

**Human Resource Services**



# **Annual Employee Notifications**

**(All Employees, Substitutes, and  
Short-Term Temporary)**

**2024-25**



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(Revised 12.01.24)

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### NON-DISCRIMINATION IN EMPLOYMENT (BP/AR 4030)

The Governing Board prohibits unlawful discrimination, *intimidation, bullying* against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, *ethnicity, nationality*, ancestry, religious creed, *religion*, age, marital status, pregnancy, physical or mental disability, *disability, gender identity, gender expression*, medical condition, veteran status, genetics, gender or sexual orientation, *sex, or association with a person or a group with one or more of these actual or perceived characteristics* at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, or participates in the district's complaint procedures instituted pursuant to this policy. Any district employee who engages in or permits unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains. **The Sacramento City Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, race or ethnicity, religion, gender, gender expression, gender identity, immigration status, national origin, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, or affiliation with Scouting America.**

**For student to student questions or complaints contact Director III, Student Hearing and Placement/Alternative ED/ Equity and Compliance Officer- David Van Natten, [david-vannatten@scusd.edu](mailto:david-vannatten@scusd.edu). 5735 47th Avenue, Sacramento CA, 95824; 916-643-7420**  
- or -

**For employee related Title IX concerns contact HR Title IX Coordinator- Melinda Iremonger, [melinda-iremonger@scusd.edu](mailto:melinda-iremonger@scusd.edu). 5735 47th Ave. Sacramento CA 95824; 916-643-7446.**

**For employment-related questions or complaints, contact Human Resource Services: Nanci Rose- Director II, Human Resources, Complaints, Compliance & Special Projects— 5735 47th Avenue, Sacramento CA, 95824; 916-643-7488, or by emailing [nanci-rose@scusd.edu](mailto:nanci-rose@scusd.edu).**

**Section 504 & Title II ADA Coordinator: Noel Estacio – 5735 47th Avenue, Sacramento CA, 95824, 916-752-3230, or [noel-estacio@scusd.edu](mailto:noel-estacio@scusd.edu)**

### CHILD ABUSE REPORTING REQUIREMENTS (BP/AR 5141.4)

Section 11166 of the Penal Code requires any childcare custodian, health practitioner, fire fighter, animal control officer, or humane society officer, employee of a child protective agency or child visitation monitor, who has knowledge of or observes a child in his/her professional capacity or within the scope of his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse, to a child protective agency immediately or as soon as practically possible by telephone, and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. "Child care custodian" includes teachers; an instructional aide, a teacher's aide, or a teacher's assistant employed by any public or private school, who has been trained in

the duties imposed by this article, if the school district has so warranted to the State Department of Education; a classified employee of any public school who has been trained in the duties imposed by this article, if the school has so warranted to the State Department of Education; administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; administrators and employees of public or private youth centers, youth recreation programs, and youth organizations; administrators and employees of public or private organizations whose duties require direct contact and supervision of children and who have been trained in the duties imposed by this article; licensees, administrators, and employees of licensed community care or child day care facilities; head start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities; social workers, probation officers, or parole officers; employees of a school district police or security department; any person who is an administrator or a presenter of, or a counselor in, a child abuse prevention program in any public or private school; a district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor; or a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, who is not otherwise described in this section. "Health practitioner" includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, optometrists, or any other person who is licensed under Division 2 (commencing with Section 500) of the Business and Professions Code; marriage, family, and child counselors; emergency medical technicians I or II, paramedics, or other persons certificated pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code; psychological assistants registered pursuant to Section 2913 of the Business and Professions Code; marriage, family, and child counselor trainees as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code; unlicensed marriage, family, and child counselor interns registered under Section 4980.44 of the Business and Professions E 5141.4(b) Code; state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; and religious practitioners who diagnose, examine, or treat children. "Child visitation monitor" means any person as defined in Section 11165.15.

### EMPLOYEE USE OF TECHNOLOGY (BP/AR 4040 and BP/AR 6162.7, Use of Technology in Instruction)

The Sacramento City Unified School District authorizes district employees to use technology owned or otherwise provided by the district as necessary to fulfill the requirements of their position with the district. The use of district technology is a privilege permitted at the district's discretion and is subject to the conditions and restrictions set forth in applicable Board policies, administrative regulations, all laws and regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason.

The district expects all employees to use technology responsibly to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through technological devices, computers, and network systems.

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The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of any district technology, including but not limited to network systems.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement. Upon minor updates or modification to the Acceptable Use Agreement, staff will be notified of such changes. With major changes to the Acceptable Use Agreement, staff will be required to sign or acknowledge they have received the new Acceptable Use Agreement.

All district policies, standards, and regulations relating to employee use of district technology shall apply to all outside vendors, community members, and partners that access district technology and/or network systems.

### **Definitions**

District technology includes, but is not limited to, computers, the district's computer network including but not limited to servers and wireless computer networking technology (Wi-Fi), the Internet, email, electronic files, media, and data, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, wearable technology, hotspots, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

### **Employee Obligations and Responsibilities**

Employees are expected to use district technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of district technology shall not interfere with district business and operations, the work and productivity of any district employee, or the safety and security of district technology. The district is not responsible for any loss or damage incurred by an employee because of their personal use of district technology.

The employee in whose name district technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification, access, and authorization purposes, and shall use the district's systems and technology only under the account to which they have been assigned. Employees shall not gain or seek to gain unauthorized access to the files, data, technology, or the equipment of others. Employees shall not access electronic resources by using another person's name, password, or security code, or electronic identification to send anonymous, or malicious electronic communications. Furthermore, employees shall not attempt to access any data, media, files, documents, emails, or programs in the district's system for which they do not have authorization.

Employees are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit,

harassing, intimidating, threatening, illegal, and/or disruptive.

2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor.
3. Engage in personal, commercial, or other for-profit activities without permission of the Superintendent or designee.
4. Engage in unlawful use of district technology for political lobbying.
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights.
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment or systems, or destroying electronic files or data, or intentionally installing malicious software (i.e. virus, malware, spyware, ransomware), adding or removing a computer program without permission, changing settings on shared computers).
7. Install unauthorized software.
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

### **Privacy**

Since the use of district technology is intended for use in conducting district business, no employee should have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, access to the Internet or social media, communications sent or received from district technology, or other uses within the jurisdiction of the district. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of district technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by an employee on district technology does not create a reasonable expectation of privacy.

### **Personally Owned Devices**

If an employee uses a personally owned device to access district technology or conduct district business, they do so at their own risk and shall abide by all applicable Board policies, administrative regulations, all laws, and this Acceptable Use Agreement. Any such use of a personally owned device to access district technology or to conduct district business may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena, court order, or public records request.

District employees shall not use personal electronic devices or accounts to send or receive communications that relate in a substantive way to the conduct of the district's business. All communications concerning district-related business received by an employee on a personal electronic device or in a non-district account shall be forwarded promptly to a district account or server. If a district employee has any concerns that an email in the employee's personal account may not be safe for data security pur-

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poses, the employee should notify their supervisor and an appropriate technology staff member prior to forwarding the email to any district account or server.

### **Records**

Any electronically stored information generated or received by an employee which constitutes a district or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - District Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of district or student records.

### **Reporting**

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, they shall immediately report such information to the Superintendent or designee.

### **Consequences for Violation**

Violations of the law, Board policy, or this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination.

In addition, violations of the law, Board policy or administrative regulation or this agreement may be reported to law enforcement agencies as appropriate.

### **Employee Acceptable Use Agreement Acknowledgment Electronic Resources**

The Sacramento City Unified School District ("district") recognizes the value of district technology, computers, and other electronic resources, as well as personal electronic devices, to improve student learning and enhance the administration and operation of its schools. To this end, the District encourages the responsible use of technology, computers, computer networks, including the Internet; and other electronic resources in support of the mission and goals of the district and its schools. Users are reminded that the district e-mail system and all user accounts are owned by the district, and all electronic messaging (email and chat) activity which utilizes the District server is monitored and logged. Every attempt is made to scan all electronic mail coming into or leaving the organization for malware and for offensive material. Additionally, every effort is made to log and monitor all web traffic for inappropriate or offensive content.

As used in this Agreement, "personal electronic devices" may include but are not limited to, cellular telephones, tablets, and portable laptop computers, or any other device with wireless capabilities.

### **Acceptable Use and General Rules of Usage**

Use of district computers and other electronic resources or use of the wireless capability features of any personal electronic device while working for the district or representing the district or during district sponsored events is intended to be used in support of, and be consistent with, all laws, board policies, board administrative regulations, and the educational standards and benchmarks of the district. Users will be provided access to the INTERNET in accordance with the district's security, filtering, and blocking measures. The measures described below are required to avoid employee access to inappropriate material that is not consistent with all laws, board policies, board administrative regulations, and the educational standards and benchmarks of the district.

1. Exhibit exemplary behavior on the district network or while using district technology, electronic equipment, and while using the wireless capability features of any personal electronic device while working for or representing the district, or during district sponsored events.

2. Network accounts are to be used only by the authorized user of the account for authorized purposes.

3. For district employees provided with email, the email is considered a primary avenue of communication and should be checked by employees frequently

4. Communications and information accessible via the district network and/or internet service are subject to monitoring and/or review at any time and should not be assumed to be private.

5. Any employee, upon learning that a compromise (a breach, unauthorized access, suspected unauthorized changes, deletions, additions, or viewing) to one or more of the district's Enterprise Data Systems (Infinite Campus, Escape, Email, Network Accounts, or any other system used by the district or school wide) has potentially occurred, shall immediately notify their supervisor who shall notify the appropriate Instructional Assistant Superintendent and the Chief Information Officer to initiate a prompt investigation.

6. From time to time, the District will make determinations on whether specific uses of the network or personal electronic devices while on district property or during district sponsored events are consistent with the acceptable use practice, policies, administrative regulations, and laws.

### **Unacceptable Use**

1. Giving out personal or confidential information about another employee or student, including home address and phone number without authorization is strictly prohibited.
2. Any use of the district systems or technology resources for commercial, for profit, or political purposes is prohibited.
3. Regular use of the district systems or technology resources for personal business is prohibited.
4. Any use of the district systems or technology resources for political lobbying is prohibited.
5. Users shall not use non-district computers or printers on the network without written authorization from Technology Services.
6. Users shall only use accounts assigned to them and shall not attempt to log-in to accounts or systems for which they do not have authorized access.
7. Users shall not allow others to use their accounts.
8. Users shall not intentionally seek information on, obtain copies of, or modify files, data, or passwords belonging to other users, or misrepresent other users on the network.
9. No use of the district systems or technology resources shall serve to disrupt the use of the network by others. Hardware and/or software and/or electronic data shall not be destroyed, altered, or abused in any way. Modifications to system configurations should not be made without written authorization from Technology Services.

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10. Users shall not plug in wireless access points unless approved and authorized by Technology Services.
11. Malicious use of the district systems or technology resources to develop or use programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
12. Hate mail, chain letters, harassment, discriminatory communications, cyber-bullying and other disruptive behaviors are prohibited on the network. In accordance with BP 0201, Human Dignity Policy, the school district will not tolerate behavior by students, staff, or visitors which insults, degrades, or stereotypes any race, gender, disability, physical characteristics, ethnic group, sexual orientation, age, national origin, or religion.
13. The unauthorized installation of any software, including shareware and freeware, for use on Sacramento City Unified School District computers is prohibited.
14. Users shall not disclose student information for any purpose other than a legitimate educational purpose, and only as permitted by law, district policies, and administrative regulations.
15. Use of the network or personal electronic devices while on district property or during District sponsored events to intentionally access or process pornographic or adult sites with sexual content or other inappropriate, discriminatory, or derogatory material, inappropriate text files (as determined by the Superintendent, system administrator or site administrator), or files dangerous to the integrity of district technology including the local area network is prohibited.
16. The Sacramento City Unified School District network may not be used for downloading entertainment software, music, videos, or other files not related to the mission and objectives of the Sacramento City Unified School District. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of the Sacramento City Unified School District.
17. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except when duplication and/or distribution of materials for educational purposes is permitted when such duplication and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law.
18. Use of the district systems, network or technology resources for any unlawful purpose is prohibited.
19. Use of private (personally owned) personal electronic devices is permitted while on District property or during District sponsored events in accordance with applicable state and federal law, District policies and regulations, Technology Services Department Official Procedures and Protocols and this Agreement. Any misuse or inappropriate use of private personal electronic devices while on District property or during District sponsored events, may result in the District rescinding the user's right to use the personal

electronic device while on District property or other disciplinary action.

20. Users shall not download confidential student or employee information onto laptops, desktops, or other portable storage devices without authorization. Authorized loading of confidential information onto laptops or other portable storage devices should only be done utilizing secure encryption.

### Consequences for Violation

Any breach of this Agreement or the terms specified above may lead to disciplinary action, up to and including dismissal. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

### Employee Acknowledgment of User Agreement

I have read, understand, and will abide by the above Agreement, all applicable Sacramento City Unified School District Board Policies and Regulations, Technology Services Department Official Procedures and Protocols, and applicable state and federal laws, when using technology, computer, and other electronic resources owned, leased, or operated by the district, or when using a personal electronic device while on district property or during district sponsored events and while representing the district. Should I commit any violation of this Agreement, my access privileges may be revoked, disciplinary action, up to and including termination of employment, may be taken, and/or appropriate legal action may be initiated. I understand that this Agreement will be in effect during the entire time of my employment with the district. Any subsequent changes to the Agreement will be posted online and will be communicated electronically to employees and will be part of this Agreement.

### **SEXUAL HARASSMENT (BP/AR 4119.11)**

The Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal. Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator, or the Superintendent or designee (*Chief Human Resources Officer or HR Director at (916) 643-9050*) in order to obtain procedures for reporting a complaint. Complaints of harassment can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated. The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.



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

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

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures, or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment. The District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics or affiliation with Scouting America.

### **DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

The Sacramento City Unified School District is committed to creating and maintaining a safe work environment free of all forms of harassment and violence, and charges every employee with the responsibility of contributing toward that environment. You have a right to ask for help or changes in your workplace to make sure you are safe at work. Domestic violence means intentionally or recklessly causing or attempting to cause injury or harm, or placing any family member, domestic partner, or cohabitant in reasonable fear of injury. Workers who must leave their jobs to protect themselves or their children from domestic violence – “good cause” under the law – are eligible for unemployment benefits. Victims of domestic violence are protected against discharge or discrimination for taking time off to seek protection orders or other judicial relief to help secure their own or their children's safety or welfare; as well as to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or related to domestic violence, sexual assault, or stalking. The employee must give reasonable notice, if feasible. The Sacramento City Unified School District may require certification of domestic violence: a police report,

protection order, and documentation from court or from a medical professional, domestic violence advocate, or counselor. To the extent the law allows, the Sacramento City Unified School District must maintain the employee's confidentiality. (*California Labor Code §230-230.1, as amended by 2000 Cal. Stat. 487*) Additionally, you have a right to be free from retaliation and discrimination. You can file a complaint with the Labor Commissioner's Office at [www.dir.ca.gov/dlse](http://www.dir.ca.gov/dlse).

The Sacramento City Unified School District declares that violent conduct of any kind will not be condoned or tolerated. Discipline up to and including termination of employment will occur to any employee who threatens or abuses others on work time or using work resources. Employees convicted of a crime as a result of domestic violence may be subject to corrective or disciplinary procedures, up to and including termination, when work performance or normal operation of the workplace is affected.

### **UNIFORM COMPLAINT (UC) PROCEDURES (BP/AR 1312.3)**

The Governing Board recognizes that the district is responsible for complying with applicable state and federal laws and regulations governing educational programs. (T5 CCR 4620) The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and/or bullying based on actual or perceived characteristics such as, age, sex, sexual orientation, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, gender, gender expression, gender identity, ethnic group identification, ethnicity, race, ancestry, nationality, national origin, religion, color, or mental or physical disability, or in any program or activity that receives or benefits from state financial assistance, or affiliation with Scouting America. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Adult Education, Consolidated Categorical Aid Programs, Migrant Education, California Peer Assistance and Review Programs for Teachers, Career Technical and Technical Education and Career Technical and Technical Training Programs, Career Technical Education, Course Periods Without Educational Content, Economic Impact Aid, Education of Pupils in Foster Care and Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, English Learner Programs, Regional Occupational Centers and Programs, School Safety Plans, State Preschool, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, Federal Safety Planning Requirements, After School Education and Safety, Compensatory Education, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans (including Charter Schools as describe in EC§47606.5 and §47607.3), Tobacco Use Prevention Education, Agricultural Vocational Education, American Indian Education Centers and Early Childhood Education Program Assessments, Bilingual Education, Physical Education Instructional Minutes and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity. Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4. The UCP shall also be used to resolve complaints of noncompliance with requirements related to reasonable accommodations for lactating students or pupils (see Board Policy 5146), educational rights of foster youth and homeless students, assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed, and physical education instructional

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minutes in elementary schools. The Board encourages the early, informal resolution of complaints at the site level whenever possible. Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures. The Governing Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. The Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades or work assignments of the complainant. The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

### **Responsibility for UC Procedures**

The Chief Human Resources Officer, Human Resource Services, will receive and investigate complaints and ensure district compliance with the law. The Chief Human Resources Officer will also assist complainants in understanding that they may pursue other remedies including actions before civil court or other public agencies. (T5 CCR 4621, 4622) Procedures shall be available free of charge. (T5 CCR 4622)

### **Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the T5 CCR 4632. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

**Step 1 Filing of Complaint:** Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (T5 CCR 4632) The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (T5 CCR 4600)

**Step 2 Mediation:** The compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator

a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (T5 CCR 4631)

**Step 3 Investigation of Complaint:** The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (T5 CCR 4631)

**Step 4 Response:** Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step 5 below, unless the complainant agrees in writing to extend the time line. (T5 CCR 4631)

**Step 5 Final Written Decision:** The report of the district's decision shall be in writing and sent to the complainant. (T5 CCR 4631) The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainant's choosing will interpret it for the complainant. This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any. (T5 CCR 4631)
2. The rationale for the above disposition. (T5 CCR 4631)
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal. (T5 CCR 4631)
4. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. (T5 CCR 4631; Education Code 262.3)
5. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action. **Note:** In accordance with California Code of Regulations, Title 5, complaints alleging discrimination, harassment, intimidation and/or bullying must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation and/or bullying complaint occurred.

### **Appeals to the**

#### **California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5 CCR 4652) When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision (T5 CCR

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4652) The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in T5 CCR 4650, exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with T5 CCR 4622.

### **COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT (AR 4031)**

The Governing Board designates the Chief Human Resources Officer, as Coordinator for Nondiscrimination in Employment. The following procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure, or practice discriminates against him/her on any basis specified in the district's nondiscrimination policies.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times subject to the collective bargaining agreement and least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the district, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications, and records dealing with the complaint shall be placed in a district complaint file, which is a separate file from the district's personnel file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.
8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. A reasonable period of time to conduct an investigation will depend upon the quantity of witnesses and complexity of the investigation. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next

step within the prescribed time, the complaint shall be considered settled at the preceding step.

**Level I:** The complainant shall first meet informally with the principal of the school or department where the allegedly discriminatory act occurred. A complaint regarding discrimination away from a school site should be discussed informally with an administrator selected by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal or other administrator shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

**Level II:** If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the district nondiscrimination coordinator within 10 days of his/her attempt to resolve the complaint informally. The written complaint shall include the following: (1) the complainant's signature or that of his/her representative; (2) the complainant's name, address, and telephone number; (3) the name and address of the district staff member who committed the alleged violation; (4) a description of the allegedly discriminatory act(s) or omission(s); (5) the discriminatory basis alleged; (6) a specific description of the time, place, nature, participants in, and witnesses to the alleged violation; (7) other pertinent information which may assist in investigating and resolving the complaint.

The nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within a reasonable period of time. The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents.

**Level III:** If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within 10 days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from district staff, and may conduct a further investigation if he/she finds it necessary to do so. The Superintendent or designee shall respond to the complainant in writing within a reasonable period of time.

**Level IV:** If the matter is not resolved at Level III, the complainant may file a written appeal to the Board within 10 working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels. The Board shall grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. Any complaint against a district employee shall be conducted in closed session as a personnel matter. The Board shall render its decision within a reasonable period of time. The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board. The panel shall hear the appeal and render its decision within 10 working days.

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

### **ANIMALS ON DISTRICT PROPERTY**

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It has come to our attention that there is a need to clarify regulations regarding animals. With the exception of the following three items, no animals are allowed at school sites or administrative facilities: (1) seeing-eye dogs and service dogs, (2) Board Policy 6163.2, "*animals may be brought to school only for educational purposes, subject to rules and precautions specified in administrative regulations related to health, safety and sanitation,*" and (3) dogs used for law enforcement purposes.

### **TOBACCO-FREE SCHOOLS (BP/AR 3513.3)**

The Governing Board recognizes the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs. In accordance with state and federal law, smoking is prohibited in all district facilities and vehicles. The Board further prohibits the use of tobacco products at all times on district grounds. This prohibition applies to all employees, students, and visitors at any activity or athletic event on property owned, leased, or rented by or from the district. The Superintendent or designee shall inform students, parents/guardians, employees, and the public about this policy and related procedures. Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property. The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

#### **Employee Notifications**

The Superintendent or designee shall notify employees of the district's tobacco-free schools policy. The notification shall also inform them of:

1. Their need to abide by district policy as a condition of employment.
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students, and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law, and applicable collective bargaining agreements.

#### **Enforcement Procedures for Visitors**

A visitor who smokes on district property shall be informed of the district's tobacco-free schools policy and asked to refrain from smoking. If the person fails to comply with this request, the following actions may ensue:

1. The matter may be referred to the Superintendent or designee responsible for the area or the event.
2. The Superintendent or designee may direct the person to leave school property.
3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises.
4. If the person repeatedly violates the tobacco-free schools policy, the Superintendent or designee may prohibit him/her from entering district property for a specified period of time.

### **ENVIRONMENTAL SAFETY (BP/AR 3514)**

The Governing Board believes that students and employees have the right to learn and work in a safe, clean, and healthy environment. The district has an obligation to locate and reduce or eliminate potential risks to health and the environment, to use environmental resources in a responsible way, and to educate students

and staff about environmental issues. The Superintendent or designee shall establish regulations to guard against environmental hazards. Students and staff are encouraged to report any unsafe conditions they may observe.

#### **Air Quality**

The Board recognizes that clean air contributes to a favorable learning environment for students, productivity for staff, and the health of all school occupants. Adequate ventilation, appropriate housekeeping and maintenance procedures, and the removal of pollution sources are all necessary to achieve good indoor air quality. The Superintendent or designee shall ensure that staff implements measures that will maintain good air quality in classrooms and offices. Air quality shall be considered in the setting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings.

The Superintendent or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating, and air conditioning systems shall be operated, inspected, and maintained in accordance with law. School buildings shall be inspected annually to ensure they have adequate ventilation systems, properly maintained so as to preclude the buildup of mold, mildew, and air contaminants. Filters shall be changed frequently.
2. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed for weekends or vacations.
3. Only District approved cleaning products shall be used at District facilities.
4. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas; these items shall be purchased in small quantities to avoid storage exposure.
5. Exterior wall and foundation cracks and openings shall be sealed to control exposure to rodents.
6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed.

#### **Pest Management**

Sanitary measures shall be enforced and buildings regularly cleaned and repaired in order to prevent infestations, minimize the use of pesticides, and eliminate routine spraying. The Superintendent or designee shall ensure that the district follows integrated pest management procedures so as to use the most appropriate and least toxic method of control.

In determining when to control pests and whether to use mechanical, physical, chemical, cultural, or biological means, the district shall follow the principles of integrated pest management. Procedures shall include the following:

1. The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or not feasible. The full range of alternatives, including no action, will be considered.
2. Selected non-chemical pest management methods will be used whenever possible to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
3. The pest and the site of infestation shall be carefully identified. Strategies for managing the pest will be influenced by the pest species, and whether that species poses a threat to people, property, or the environment.

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4. When it is determined that a pesticide must be used, the least hazardous material will be chosen and applied in accordance with law.
5. Staff, students, and parents/guardians shall receive information about the district's integrated pest management policy and procedures and notification of any upcoming pesticide treatments. Notice of upcoming pesticide treatments shall also be posted in areas designated by the Superintendent or designee. (Reference: Education Code 48980.3, 17612)
6. Records of pesticide use shall be maintained at a designated district office.
7. Pesticide purchases shall be limited to amounts authorized by the Superintendent or designee for use during the year. Pesticides shall be stored in a secure site not accessible to students or unauthorized staff; they shall be stored and disposed of in accordance with EPA-registered label directions and state regulations.
8. Persons applying pesticides shall follow label precautions and shall be trained in the principles and practices of integrated pest management.

### Lead Exposure Reduction

The Board recognizes that exposure to lead is especially damaging to young children, and that hazardous levels of lead may sometimes be present in paint, soil, or drinking water. In order to minimize any harmful exposure, the district shall follow guidelines recommended by the Department of Health Services and specified in administrative regulations. In accordance with law, the Superintendent or designee shall inform school staff and parents/guardians of the results of any lead survey conducted by the Department of Health Services.

The following steps shall be taken to minimize potential exposure to lead:

1. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
2. School drinking water fountains shall be monitored for the amount of lead in the water, and corrective action shall be taken when necessary.
3. The district shall provide parents/guardians and students with information about the prevention of lead poisoning, and may refer parents/guardians to their children's health care providers or local health department for blood lead testing of children six months through six years of age.
4. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law.

### Asbestos Testing and Abatement

Maintenance staff shall be trained in the location, identification, proper cleaning, and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Any more extensive asbestos abatement work shall be done by state-certified asbestos abatement contractors in compliance with state and federal standards. The district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district and school offices during normal business hours. Parent, teacher, and

employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

### Other Environmental Safety Precautions

Principals or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious, or otherwise dangerous materials unless adequate safeguards are provided.
2. Keep all school facilities free of debris.
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions.

### HAZARDOUS SUBSTANCES (BP/AR 3514.1)

The Governing Board recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored, and regularly disposed of in a safe and legal manner. Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

### HAZARDOUS SUBSTANCES DISPOSAL / HAZARD COMMUNICATION PROGRAM

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the County Office of Education or by permission of the County Superintendent of Schools.

The Superintendent or designee shall develop, implement, and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed, and that Safety Data Sheets are readily accessible to them. Teachers shall instruct students about the importance of proper handling, storage, disposal, and protection when using any potentially hazardous substance.

#### Hazard Communication Program

The written hazard communication program shall be available upon request to all employees and their designated representatives. The following materials are exempted from the hazard communication program and this district regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs, and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agriculture Code 12981.

1. Container Labeling: Except for consumer products, pesticides, alcoholic beverages, and food, drug, and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district without the 16 required elements:

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Safety Data Sheets: Upon receiving a hazardous substance or mixture, the Superintendent or designee shall ensure that the manufacturer has also furnished a Safety Data Sheet

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(SDS) as required by law. If the SDS is missing or obviously incomplete, the Superintendent or designee shall request a new SDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete SDS is not received. The Superintendent or designee shall maintain copies of the SDS for all hazardous substances, and ensure that they are kept up-to-date and available to all affected employees during working hours. He/she shall review each incoming SDS for new and significant health or safety information and shall disseminate this information to affected employees.

3. **Employee Information and Training:** Employees shall receive in-service training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to (8 CCR 5194):
  - a. An overview of the requirements of California's Hazard Communication Regulation (Code of Regulations, Title 8, Section 5194), including employee rights described therein.
  - b. The location, availability, and content of the district's written hazard communication program.
  - c. Information as to any operations in the employees' work area where hazardous substances are present.
  - d. The physical and health effects of the hazardous substances in the work area.
  - e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area.
  - f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment, and engineering controls.
  - g. Steps the district has taken to lessen or prevent exposure to these substances.
  - h. Instruction on how to read labels and review the SDS for appropriate information.
  - i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s).
4. **List of Hazardous Substances:** For specific information about the hazardous substances known to be present in the district and schools, employees may consult the SDS.
5. **Hazardous Non-Routine Tasks:** When employees are required to perform hazardous non-routine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the district has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.
6. **Hazardous Substances in Unlabeled Pipes:** Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.
7. **Informing Contractors:** To ensure that outside contractors and their employees work safely in district buildings and schools, the Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen

the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

### EXPOSURE CONTROL PLAN FOR BLOOD-BORNE PATHOGENS (BP/AR 4119.42)

The Superintendent or designee shall meet state and federal standards for dealing with blood-borne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with blood-borne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV). The Governing Board shall determine which employees have occupational exposure to blood-borne pathogens and other potentially infectious materials. In accordance with the district's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination. The Superintendent or designee may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations. Any employee not identified as having occupational exposure in the district's exposure determination may petition to be included in the district's employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

#### Definitions

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties." Exposure Incident means "a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions."

#### Exposure Control Plan

The district's Exposure Control Plan shall contain at least the following components:

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

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The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

1. Reflect new or modified tasks and procedures affecting occupational exposure.
2. Reflect new or revised employee positions with occupational exposure.
3. Review the exposure incidents which occurred since the previous update.

The district's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

### **Exposure Determination**

The district's Exposure Determination shall be made without regard to the use of personal protective equipment and shall include:

1. All job classifications in which all employees have occupational exposure to blood-borne pathogens.
2. Job classifications in which some employees have occupational exposure.
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above.

### **Vaccination Requirements:**

#### **Hepatitis B vaccinations**

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law. The district may exempt "designated first-aid providers" from the pre-exposure hepatitis B vaccine if:

1. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis.
2. The district's Exposure Control Plan provides that:
  - a. Employees report all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the incident occurred.
  - b. Designated first-aid providers participate in the blood-borne pathogens training program.
  - c. The full hepatitis B vaccination series shall be made available to unvaccinated first-aid providers no later than 24 hours after they render assistance in any situation involving the presence of blood or other potentially infectious material regardless of whether an exposure incident occurred.
3. The district implements a procedure to ensure the above requirements are met.

#### **Senate Bill #792-Child Development Immunization/Vaccinations**

"This bill commencing September 1, 2016, would prohibit a person from being employed or volunteering at a day care center or a family day care home if he or she has not been immunized against influenza, pertussis, and measles." To verify that our employee has met these requirements, employees must provide the employer with one of the following and/or complete form PSL-F273 to expedite verification:

- A yellow immunization card signed/dated by a licensed physician indicating the date the employee received the immunization and when it will expire.
- Formal medical verification that is signed and dated by a licensed physician that waives immunization due to health issues.
- Formal medical verification that is signed and dated by a licensed physician that certifies that the employee has evidence of current immunity to measles, pertussis, and/or influenza.

Note: Per this new law, personal belief exemptions will be granted without medical verification for influenza only.

### **Protective Equipment**

The district shall provide appropriate personal protective equipment at no cost to the employee. The district shall maintain, repair, make accessible, and require employees to use and properly handle protective equipment.

### **Information and Training**

The district shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affects the employee's exposure. Employees who fall within the definition of designated first aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious.

### **First-Aid Incidents**

Unvaccinated designated first-aid providers must report any first-aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first-aid incident.

### **Exposure Incidents: Post-evaluation and Follow-up**

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

### **Records**

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus 30 years. Training records shall be maintained for three years from the date of training. An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law.

### **Nondiscrimination in District Programs and Activities (BP 0410)**

The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on race, color, ancestry, national

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origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics, or affiliation with Scouting America.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. He/she shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employee organizations and sources of referral and applicants for admission and employment, about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook or application form, or other materials distributed to these groups. (34 CFR 104.8, 106.9)

An individual filing a complaint of discrimination shall not be subjected to acts of retaliation for the purpose of interfering with any right secured by federal or state law. This includes acts of intimidation, threats, coercion, or discrimination.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

### Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides appropriate auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, note-takers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

### **EMPLOYEES WITH INFECTIOUS DISEASE (BP 4119.41)**

The Governing Board encourages each employee to inform the district as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board will reasonably accommodate the needs of such individuals. The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others. No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases. When informed that an employee has a disabling infectious disease, the Superintendent

or designee may request that the employee sign a release form to provide confidential medical information and records. In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others. The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk.
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition.
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting.

This report shall be forwarded to the Board for confidential review and action. The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

### **Confidentiality**

The Board and the Superintendent or designee shall ensure that employee rights to confidentiality are observed. The district shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

### **DRUG AND ALCOHOL-FREE WORKPLACE (BP 4020)**

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during, or after school hours at school or in any other district workplace. The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.
2. Establish a drug and alcohol-free awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace.
  - b. The district policy of maintaining drug and alcohol-free workplaces.
  - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.



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- d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy. In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

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

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school district workplace to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations. "School district workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

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

Pursuant to the federal Omnibus Transportation Employee Testing Act (OTETA) of 1991, school bus drivers and other employees defined in the OTETA as being in safety sensitive positions shall be subject to a drug and alcohol-testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

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

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

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

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

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

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

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

Drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally. If you need a referral, please contact the Chief Human Resources Officer.

### **SOLICITING AND SELLING (BP 4135)**

Employees shall not solicit district staff, students, or their families with the intent to sell general merchandise, books, equipment, or services. Staff shall not distribute promotional, political, controversial, or other non-instructional materials unless approved by the Superintendent or designee. Staff members shall not use their status as district employees to secure information such as names, addresses, and telephone numbers for use in profit-making ventures. Educational tours may be promoted on school premises only if the district sponsors them. Employees engaged in planning, organizing, or leading tours as a private business shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises. Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval. Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds," and the like shall be a matter of individual discretion.

### **TUTORING (BP 4137)**

The Governing Board expects teachers and other members of the instructional staff to make every effort to resolve students' learning problems at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the Board seeks to minimize the need for individual tutoring. To preclude conflicts of interest, teachers may not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students must perform this service outside of school facilities and make their own arrangements with

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parents/guardians for the fees to be charged. The Board encourages teachers to tutor only in subjects or grade levels for which they are certificated.

### **OVERTIME OR COMPENSATORY TIME OFF FOR NON-EXEMPT EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)**

Employees should refer to their union contracts for specific language that has been negotiated in regard to overtime and compensatory time off. For employees who are non-exempt under the FLSA, prior written approval from the evaluating supervisor is required prior to working overtime either for pay or compensatory time off. The FLSA designation for each position is shown on the position description and in the Terms of Employment signed by new or promoted employees. Overtime worked MUST be reported on time sheets along with the supervisor's approval so that comprehensive records of compensatory time off, or overtime for pay, can be appropriately maintained by the District.

### **EXEMPT EMPLOYEES UNDER THE FAIR LABOR STANDARDS ACT (FLSA)**

Exempt employees are NOT entitled to overtime or compensatory time off. They are considered to be bona fide executives, administrators, or professionals such as teachers, principals, managers, some confidential and supervisory positions, and others. The FLSA designation for each position is shown on the position description and in the Terms of Employment signed by new or promoted employees.

### **FAMILY AND MEDICAL LEAVE ACT**

Basic Leave Entitlement: FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: for incapacity due to pregnancy, prenatal medical care or child birth; to care for the employee's child after birth, or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements: The National Defense Authorization Act extends coverage for exigency leave to the family of all active-duty service members who are deployed in a foreign country. Employees with a family member who is either in a regular component of the Armed Forces or a reserve component of the Armed Forces will be entitled to leave "because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty)" in a foreign country; may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The act, also extends coverage of "service member caregiver leave" to include caring for a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The caregiver would be able to take up to 26 weeks of leave to care for a veteran for up to five years after he or she leaves military service if the veteran suffered a qualifying injury or illness in the

line of active duty (or had an existing injury or illness aggravated in the line of active duty). The injury or illness could manifest itself before or after the member became a veteran.

Benefits and Protections: During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, bene-fits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements: Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave: An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave: Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities: Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities: Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If

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they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement: An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **AMERICANS WITH DISABILITIES ACT (ADA) OF 1990**

The ADA prohibits discrimination against any qualified individual with a disability because of that disability. The purpose of the ADA is to provide a clear and comprehensive mandate for the elimination of discrimination against individuals with disabilities. The Sacramento City Unified School District provides equal access and opportunity to all persons, including qualified individuals with a disability. Applicants and employees are provided opportunities for employment in all positions, with or without reasonable accommodation. For further information on the ADA, contact the Office of Risk & Disability Management at 643-9421.

### **VIETNAM-ERA ADJUSTMENT ACT OF 1974**

School districts with \$10,000 or more in federal funds must take affirmative action to hire disabled veterans of all wars and ALL veterans of the Vietnam War. A disabled veteran is one with 30% or more disability rating from the Veteran's Administration, or one who was discharged from active duty for service-connected disability. The Sacramento City Unified School District gives additional points in the screening, interview, and selection process for disabled veterans of the Vietnam War.

### **OMNIBUS TRANSPORTATION EMPLOYEES ACT (OTEA) OF 1991**

This act mandates alcohol and drug testing for all employees in safety sensitive positions. It applies to every employee who drives a commercial motor vehicle requiring a commercial driver's license such as bus drivers, grounds keepers, and maintenance drivers. Employees who drive vehicles that transport 16 or more passengers, weigh 26,001 pounds, or carry hazardous materials are subject to drug and alcohol testing. Drug and alcohol tests include post-offer/pre-employment, post-accident resulting in a moving violation, reasonable suspicion, return to duty and follow-up, and random testing of 25% of identified employees each year.

### **EMPLOYEE ASSISTANCE PROGRAM**

Most employees and eligible dependents are entitled to receive support through Optum, administered by Schools Insurance Authority. Eligible employees are entitled to receive seven sessions

per benefit year. The spouse of an eligible employee is entitled to receive seven sessions, and the children of eligible employees are entitled in the aggregate to receive seven sessions per benefit year from July 1 through June 30. Services provided include clinical counseling and life management services, which include pre-retirement counseling, child care consultation, elder care consultation, Federal taxpayer consultation and representation service, organizing life's affairs, and other services. All services are confidential. Employees may access these benefits 24 hours a day by visiting [Optum EAP](#) using the company access code SIA.

### **CODE OF ETHICS (BP 4119.21, BP 4219.21, BP 4319.21)**

The Governing Board expects district employees to maintain the highest ethical standards, to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program. The Board encourages district employees to accept as guiding principles the codes of ethics published by professional associations to which they may belong.

### **Certificated Employees (E 4119.21)**

#### General Provisions

80331 (a) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.

(b) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited.

(c) These rules may be cited and referred to as "Rules of Conduct for Professional Educators."

(d) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.

(e) As used in these rules:

(1) "Certificated person" means any person who holds a certificate, permit, credential, or other license authoring the performance of teaching or education-related service in grades K through 12 in California public schools.

(2) "Professional employment" means the performance for compensation of teaching or other education-related employment in a position for which certification requirements are set by law.

(3) "Confidential information" means information made confidential by Section 35301 of the Education Code, or information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

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- 80332 (a) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment; nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.

### Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation

- (b) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer, but does apply to unqualified statements as fact that which the writer does not know to be true, or to statements as fact that which the writer knows to be untrue.

### Withdrawal from Professional Employment

- 80333 (a) A certificated person shall not abandon professional employment without good cause.
- (b) "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

### Unauthorized Private Gain or Advantage

- 80334 A certificated person shall not:
- (a) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals.
- (b) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer.
- (c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.

80335 A certificated person shall not, after July 1, 1989:

- (a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the County Superintendent of Schools in writing of the incorrect assignment, and the County Superintendent of Schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which

make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9 (g) (2) and (3).

### Performance of Unauthorized Professional Services

- (b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the County Superintendent of Schools of those attempts, and the County Superintendent of Schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.
- (c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.
- (d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

### Performance with Impaired Faculties

- 80336 (a) A certificated person shall not:
- (1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- (2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge, or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- (b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.

### Harassment and Retaliation Prohibited

- 80337 No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to

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the attention of the Governing Board of a school district, the Commission on Teacher Credentialing, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

### Discrimination Prohibited

80338 A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition, or sexual orientation, refuse or fail to perform certificated services for any person.

### **Classified Employees (E 4219.21)**

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions.

As a school employee I will:

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

### **Management, Supervisory, and Confidential Employees (E 4319.21)**

A management, supervisor, or confidential school employee's behavior must conform to an ethical code. The code must be idealistic and at the same time practical, so that it can apply reasonably to all. The professional acknowledges that the schools belong to the public they serve for the purpose of providing educational opportunities to all and provides professional leadership in the school and community. This responsibility requires standards of exemplary professional conduct. It must be recognized that the professional's actions will be viewed and appraised by the community, associates, and students. To these ends, the professional subscribes to the following statements of standards. The management, supervisory, confidential school employee:

1. Makes the well-being of students the fundamental element in all decision-making and actions.

2. Fulfills professional responsibilities with honesty and integrity.
3. Supports the principle of due process and equal treatment under the law.
4. Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
5. Implements the Governing Board of Education's policies and administrative rules and regulations.
6. Pursues appropriate measures to correct those laws, policies, and regulations that are not consistent with sound educational goals.
7. Avoids using positions for personal gain through political, social, religious, economic, or other influence.
8. Accepts academic degrees or professional certification used in relationship with professional responsibilities only from duly accredited institutions.
9. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
10. Honors all contracts until fulfillment or release.
11. Seeks to involve the public and keep them honestly informed.
12. Recommends the employment, development, promotion, and retention of the best possible personnel to assure a quality educational program.
13. Affirms duty of loyalty to carry out the goals, objectives, programs, and policies of the Board and the district.

### **MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS (BP 4119.24)**

The intent of this Board Policy is directed at **all employees** of the district. The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety. (See Board Policy attached for further information)

### **SCUSD CIVILITY POLICY (BP 1301.01)**

It is the intent of the District to promote, through this policy, mutual respect, civility and orderly conduct among district employees, parents/guardians, and other members of the public. It is also the intent of this policy to encourage positive communication and discourage disruptive, volatile, hostile or aggressive communication or actions. Furthermore, this policy is intended to maintain, to the extent possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents/guardians and the public. It is not the district's intent to deprive any person of his/her right to freedom of expression. The district encourages the public's cooperation with and adherence to this policy.

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### Expected Level of Behavior

1. District employees and representatives should treat parents/guardians and other members of the public with civility, courtesy and respect.
2. Parents/guardians and other members of the public should treat staff, students, and each other, while on school grounds and/or participating in school-related activities, with civility, courtesy and respect.

### Unacceptable/Disruptive Behavior

Any conduct that disrupts or interferes with the discipline, good order, lawful conduct or administration of any school class or activity of the school or district, constitutes unacceptable conduct or behavior. Unacceptable conduct or behavior includes, but is not limited to:

1. Disruption of or threats to disrupt school classrooms, activities, and/or operations;
2. Threats to the health and safety of students or district employees;
3. Battery or assault upon students, district employees or other persons;
4. Using obscenities or speaking in a demanding, loud, insulting and/or demeaning manner; and/or
5. Unauthorized entry onto district premises and school grounds.

Persons seeking recourse for alleged violations of the Civility Policy shall follow the District's Complaint Procedures according to BP 1312.1, Complaints Against Employees.

### GIFTS TO PERSONNEL (BP 5133)

The intent of this Board Policy is directed at **all employees** of the district.

The Governing Board recognizes that a certificated employee shall not accept any compensation or benefit or thing of value for the performance of any service which he/she is required to render in the course of his/her certificated employment.

This shall not apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents/guardians or other persons in recognition or appreciation of service.

### VERIFICATION OF EMPLOYMENT: THE WORK NUMBER

**The Work Number**® is an automated service that provides instant employment and income verification. This fast, secure service is used when applying for a mortgage or loan, for reference checking, leasing an apartment, or any other instance where proof of employment or income is needed. You benefit from having control of the process – authorizing others access to your information. The Work Number can be used anytime, anywhere, and is available 24 hours a day, 7 days a week.

#### Provide Proof of Employment

Give the person seeking your proof of employment, the verifier, the following information:

1. The Work Number Access Options:
  - [www.theworknumber.com](http://www.theworknumber.com)
  - 1-800-367-5690
2. SCUSD Employer Code: 11367
3. Your Social Security Number

The Work Number Client Service Center  
(Monday through Friday, 7:00 a.m. – 8:00 p.m.)  
1-800-996-7566 (Voice) 1-800-424-0253 (TTY – Deaf)



#### Provide Proof of Employment & Income

1. Visit [www.theworknumber.com/employees](http://www.theworknumber.com/employees) or call 1-800-367-2884
2. Enter: **SCUSD Employer Code: 11367**
  - a. Your Social Security Number
  - b. **Your PIN # (the last four digits of your social security number)**
3. Select to obtain a Salary Key – Write down the Salary Key
4. Give the person seeking proof of your employment & income:
5. The Work Number Access Options: [www.theworknumber.com](http://www.theworknumber.com)
  - SCUSD Employer Code: 11367 1-800-367-5690
  - Your Social Security Number
  - Your Salary Key

The Work Number Client Service Center  
(Monday through Friday, 7:00 a.m. – 8:00 p.m.)  
1-800-996-7566 (Voice) 1-800-424-0253 (TTY – Deaf)

### DRESS AND GROOMING (BP 4119.22)

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

The Board encourages staff during school hours to wear clothing that demonstrates their high regard for education and presents an image consistent with their job responsibilities. Clothes that may be appropriate for shop instructors or gym teachers may not be appropriate for classroom teachers.

### Risk-Based Authentication - Enhanced Security Enrollment

Security Enrollment is the process by which you provide the Work Number with information that will be used to verify your identity in the future. This is an innovative way to both protect your identity and to add a new layer of protection to your online account. After you complete this simple process, you'll know you're at an authentic site because you'll see your security image, which you chose during enrollment. The Work Number will know it's really you because they can validate your identity against the information you have provided to them during enrollment.

You will only have to enroll once, and continue to use the same PIN/Password you previously used. You will choose your personal security image during enrollment, and you can change it any time. The Work Number uses security questions to verify your identity on occasions when they can't verify your identity. You will choose your security questions during enrollment, and you can change them at any time.

Revised: 12-01-24



# Human Resource Services

## Uniform Complaint Procedure

### Extracted From AR 1312.3 Community Relations

#### Compliance Officers

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

Chief Human Resources Officer and  
Lead Negotiator  
5735 - 47th Avenue Sacramento, CA  
95824 (916) 643-9050

The Chief Human Resource Officer, Human Resource Services, shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with applicable state and/or federal laws and regulations and/or alleging discrimination in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements. (Title 5 California Code of Regulations (T5CCR) 4610)

The District shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on, actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any program or activity that receives or benefits from state financial assistance. [Government Code 11135, Education Code 200, Education Code 220, T5CCR 4610]

The District shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. [T5CCR 4620]

The District shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with the District's Uniform Complaint Procedures. [T5CCR 4610, 4620, and 4621]

There will be annual dissemination of a written notice of the District's complaint procedures to students, employees, parents or guardians of its students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties. [T5CCR 4622]

Additionally, the district shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment issues as provided in Administrative Regulation 1312.4. The District shall use uniform complaint procedures to address complaints regarding noncompliance with requirements related to accommodations for lactating students, educational rights of foster youth and homeless students, assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed, and physical educational instructional minutes in elementary schools.

## **Notifications**

The Title IX Coordinator, Human Resource Services, shall meet the notification requirements of Title 5 California Code of Regulations 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Title IX Coordinator, Human Resource Services, shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

Complainants will receive written acknowledgement identifying the person(s), employee(s), or agency position(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring District compliance. The written acknowledgement will also include a statement that ensures that such person(s), employee(s), position(s), or unit(s) responsible for compliance and/or investigation shall be knowledgeable about the laws/programs that he/she is assigned to investigate. [T5CCR 4621, 4631]

## **Procedures**

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Title 5 California Code of Regulations 4632.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled and when a decision or ruling is made.

### **Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. [T5 CCR 4630]

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

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. [T5 CCR 4600]

### **Step 2: Mediation**

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

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

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

If the mediation process does not resolve the problem within the parameters of law, the compliance officer



shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. [T5 CCR 4631]

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

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

The complainant and/or his/her representative and the district's representatives shall have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. [T5 CCR 4631]

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. [T5CCR 4631]

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. [T5CCR 4631]

### **Step 4: Response**

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below unless the complainant agrees in writing to an extension of time. [T5 CCR 4631]

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

The report of the district's decision shall be in writing and sent to the complainant. [T5 CCR 4631]

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member of the complainants choosing will interpret it for the complainant.

The report will contain the following elements [T5CCR 4631]:

1. The findings of fact based on the evidence gathered.
2. Conclusion of law.
3. Disposition of the complaint.
4. The rationale for such a disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the District's decision to the California Department of Education (CDE).
7. Procedures to be followed for initiating an appeal to CDE.

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. The District ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination will remain confidential as appropriate, except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis. [T5CCR 4621]

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

**Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. [T5 CCR 4652]

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. [T5 CCR 4652]

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

**Civil Law Remedies**

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with Title 5 California Code of Regulations 4622.

**Program Administrators**

Yvonne Wright, Chief Academic Officer (916) 643-9086	Mikako Fisher, Asst. Supt. Early Learning & Care (916) 643-7800	Krystal Thomas, Assistant Superintendent, Special Education (916) 643-9163
Kelley Odipo, Director State and Federal Programs 643-9051	Kelly Hood Director, Constituent Services 916-643-9000	Christopher Ralston, Assistant Superintendent, Facilities Support Services (916) 395-3970, Ext. 450005

To obtain further information and forms regarding Uniform Compliant Procedures, please contact: Cancy McArn, Chief Human Resources Officer and Lead Negotiator, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-7446. The link to file a formal district complaint can be found by visiting the Complaints and Concerns page of the district website, located at [scusd.edu/complaint](http://scusd.edu/complaint).

**UNIFORM COMPLAINT (UC) PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE:** Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

The Sacramento Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics or affiliation with Scouting America. For questions or complaints please contact the following staff: Title IX Coordinator (personnel related): Melinda Iremonger – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7446 – melinda-iremonger@scusd.edu; Title IX Coordinator (student only related) & Equity Compliance Officer: David Van Natten – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7420 david-vannatten@scusd.edu; Chief Human Resources Officer: Cancy McArn – 5735 47th Avenue, Sacramento CA, 95824 – 916.643.7474 – cancy-mcarn@scusd.edu; Section 504 and Title II ADA Coordinator: Noel Estacio – 5735 47th Avenue, Sacramento CA, 95824 – 916.643.9412 – noel-estacio@scusd.edu.



# Human Resource Services

## Williams Uniform Complaint Procedure

### Extracted From AR 1312.4 Community Relations

#### Types of Williams Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional Materials

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

2. Teacher Vacancy or Misassignment

- a. A semester begins and a certificated teacher is not assigned to teach the class.  
Vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126)
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

3. Facilities

A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72 paragraph (1) of subdivision (c))

#### Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his or her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186)

The school shall have a complaint form available for such Williams Complaints. (Education Code 35186(a)(1), Title 5 California Code of Regulations (T5CCR) 4680):

The complainant need not use the Williams Complaint form to file a complaint.

The Williams Complaint form shall identify the place for filing the complaint.

The Williams Complaint form will include a space to indicate whether a response is requested.

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

The Williams complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

Upon receipt of a written complaint from an individual, public agency or organization, Williams complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstructions of the investigation, may result in the dismissal of the complaint because of lack of evidence to support the allegations. (T5CCR 4631)

Refusal by the District to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (T5CCR 4631)

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

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 35186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. (T5CCR 4687)

## **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186, T5CCR 4686)

If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint. (Education Code 35186(a)(1), T5CCR 4680)

If Section 48985 if the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (Education Code 5186(a)(1))

Complaints and written responses shall be public records. (Education Code 35186)

The complainant shall comply with the appeal requirements of Title 5 California Code of Regulations 4632 and 4687.

**Forms and Notices**

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186)

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

**Program Administrators**

Yvonne Wright, Chief Academic Officer (916) 643-9086	Mikako Fisher, Assistant Supt. Early Learning and Care (916) 643-7800	Krystal Thomas, Assistant Superintendent, Special Education (916) 643-9163
Kelley Odipo, Director State and Federal Programs 643-9051	Kelly Hood Constituent Services Office 916-643-9000	Christopher Ralston, Assistant Superintendent, Facilities Support Services (916) 395-3970, Ext. 450005

To obtain further information and forms regarding Williams Uniform Compliant Procedures, please contact: Compliance Officer: Cancy McArn, Chief Human Resources Officer and Lead Negotiator, Sacramento City Unified School District, 5735 47th Avenue, Sacramento, CA 95824, (916) 643-9050. The link to file a formal district complaint can be found by visiting the Complaints and Concerns page of the district website, located at [scusd.edu/complaint](http://scusd.edu/complaint).

**UNIFORM COMPLAINT (UC) PROCEDURES SHALL BE AVAILABLE FREE OF CHARGE:** Contact Student Hearing and Placement Department (916) 643-9425 (Student Complaints) OR Human Resource Services, (916) 643-9050 (All Other Complaints). (T5 CCR 4622)

The Sacramento Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person’s actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics or affiliation with Scouting America. For questions or complaints please contact the following staff: Title IX Coordinator (personnel related): Melinda Iremonger – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7446 – melinda-iremonger@scusd.edu; Title IX Coordinator (student only related) & Equity Compliance Officer: David Van Natten – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7420 david  
CA, 95824 – 916.643.7474 – cancy-mcarn@scusd.edu; Section 504 and Title II ADA Coordinator: Noel Estacio – 5735 47th Avenue, Sacramento CA, 95824 – 916.643.9412 – noel-estacio@scusd.edu



**HUMAN RESOURCE SERVICES**  
 P.O. Box 246870 • Sacramento, CA 95824-6870  
 (916) 643-9050 • FAX (916) 399-2016

Lisa Allen, *Superintendent*  
 Cancy McArn, *Chief Human Resources Officer  
 and Lead Negotiator*  
 Nanci Rose, *Human Resources Director II*

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**ANNUAL NOTIFICATION  
 OF THE UNIFORM COMPLAINT PROCEDURES (UCP)  
 July 1, 2024**

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

The Sacramento City Unified School District (SCUSD) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations and has established procedures to address allegations of unlawful discrimination, harassment, intimidation and/or bullying complaints alleging violation of state or federal laws governing educational programs.

SCUSD shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by our local board to address unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, gender information, mental or physical disability, medical condition, nationality, national origin, race or ethnicity, immigration status, marital status, religion, sex, or sexual orientation, or on the basis or a person’s association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance, or affiliation with Scouting America. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Adult Education, Consolidated Categorical Aid Programs, Migrant Education, California Peer Assistance and Review Programs for Teachers, Career Technical and Technical Education and Career Technical and Technical Training Programs, Career Technical Education, Course Periods Without Educational Content, Economic Impact Aid, Education of Pupils in Foster Care and Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families, English Learner Programs, Regional Occupational Centers and Programs, School Safety Plans, State Preschool, Child Care and Developmental Programs, Child Nutrition Programs, Special Education Programs, Federal Safety Planning Requirements, After School Education and Safety, Compensatory Education, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans (including Charter Schools as describe in EC§47606.5 and §47607.3), Tobacco-Use Prevention Education, Agricultural Career Technical Education, American Indian Education Centers and Early Childhood Education Program Assessments, Bilingual Education, and pertaining to prohibitive requirements to pay pupil fees for participation in an educational activity. The UCP shall also be used to resolve complaints of noncompliance with requirements related to reasonable accommodations for lactating students or pupil, educational rights of foster youth and homeless students, assignment of students to courses without educational content for more than one week per semester or to courses they have previously completed, and physical educational instructional minutes in elementary schools.

educational content for more than one week per semester or to courses they have previously completed, and physical educational instructional minutes in elementary schools.

Complaints must be filed in writing with the following compliance officer(s):

<b>Employee related:</b>	<b>Student related:</b>
Melinda Iremonger Title IX Officer 5735 47th Avenue Sacramento, CA 95824 Phone: (916) 643-7446 Fax: (916) 399-2016	David Van Natten Director, Student Hearing & Placement Department/ Alternative Education 5735 47th Avenue Sacramento, CA 95824 Phone: (916) 643-7420 Fax: (916) 399-2029

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

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. SCUSD’s person responsible for investigating the complaint shall conduct and complete the investigation in accordance with Title 5 Code of Regulations (T5CCR) sections 4680-4687 and in accordance with local procedures adopted under section 4621 (T5CCR).

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

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of SCUSD’s complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

**Pupil Fees:**

A pupil enrolled in a District school shall not be required to pay a pupil fee for participation in an educational activity. Complaints alleging pupil fees shall be filed no later than one year from the date the alleged violation occurred. (5 CCR §4630(c) (2))

All of the following requirements apply to the prohibition identified above:

- All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.



- A fee waiver policy shall not make a pupil fee permissible.
- The District shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school district or school does not provide.
- The District shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

The District shall not be prohibited solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or school districts, schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

This is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

If the District finds merit in a complaint regarding Pupil fees, LCAPs, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), the Physical Education Instructional Minutes (grades one through eight), the District shall provide remedy.

In the case of complaints regarding: Course Periods without Educational Content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families, the remedy shall go to the affected pupil.

In the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall go to all affected pupils and parents/guardians.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

The District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or

on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics or affiliation with Scouting America, in any program conducted by the District, which is funded directly by, or that receives or benefits from any state financial assistance.

A Complainant Not Satisfied with the Decision of the District regarding specific programs has a right to appeal the decision to the California Department of Education by filing a written appeal within 15 days of receiving SCUSD's decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's decision.

Civil law remedies may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code Section 262.3. (EC §§234.1, 262.3, 49013; 5 CCR §4622)

If the District finds merit in a complaint, or the California Department of Education finds merit in an appeal, the District shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the District to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

The District shall establish local policies and procedures to implement the provisions of this law. (cf. Education Code 49011—49013)

The District shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, former Juvenile Court Pupils now enrolled in a school district and Pupils of Military families as specified in Education Code Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

A copy of SCUSD's UCP policy and complaint procedures shall be available free of charge and via the District website [www.scusd.edu](http://www.scusd.edu) .

(Revision 3.11.24)



**HUMAN RESOURCE SERVICES**

P.O. Box 246870 ● Sacramento, CA 95824-6870  
(916) 643-9050 ● FAX (916) 399-2016

Lisa Allen, *Superintendent*  
Cancy McArn, *Chief Human Resources Officer*  
and *Lead Negotiator*

**Williams Complaints Classroom Notice  
Community Relations E 1312.4**

**Notice to Parents/Guardians, Pupils, Teachers: Complaint Rights**

Parents/Guardians, Pupils, and Teachers:

**Education Code 35186** requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook, or instructional materials, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

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

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

4. If you do not think these requirements are being met, the link to file a Uniform Complaint may be found by visiting the Complaints and Concerns page of the district website, located at [scusd.edu/complaint](http://scusd.edu/complaint). You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc> .

**If you have other questions, please contact the following Administrators:**

**Erin Findley, Assistant Superintendent, Curriculum and Instruction at (916) 643-9120, or  
Instructional Assistant Superintendents: Tuan Duong at (916) 643-9263, Jerad Hyden at (916)  
643-9136, Enrique Flores at (916) 643-2340, Aprille Shafto at (916) 643-2367, or  
Mary Hardin Young, Deputy Superintendent at 643-9162.**



Lisa Allen, *Superintendent*  
Cancy McArn, *Chief Human Resources Officer*  
and *Lead Negotiator*

**BOARD OF EDUCATION**

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Taylor Kayatta  
Trustee Area 6

Justine Chueh-Griffith  
Student Board Member

DATE: July 1, 2024

TO: All Employees

FROM: Cancy McArn  
Chief Human Resources Officer and Lead Negotiator  
Human Resource Services Department

**SUBJECT: Reporting Child Abuse: 2024-25**

This memorandum is sent to all employees as mandated reporters. Please review below the law requirements of being a mandated reporter and how to file a report.

**Child Abuse Reporting Law Requirements:**

The State of California Child Abuse and Neglect Reporting Act (Penal Code Section 11166, et seq.) requires all mandated child abuse reporters to report known or suspected child abuse or neglect to the proper authorities. The following is an excerpt from Penal Code Section 11166:

*...a mandated reporter shall make a report...whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report...immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.*

*..."reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.*

**Persons Mandated to Report Child Abuse: Penal Code Section 11166:**

For the purposes of the reporting law, all educators, school employees, and college intern/trainees are mandated reporters. An amendment to the law in 2000 redefined mandated reporters to include all classified employees of any public school in addition to teachers, aides, administrators, and others. Training for mandated reporters is provided

by the District; however, the absence of training shall not excuse a mandated reporter from the duties imposed under reporting laws.

Volunteers whose duties require contact and supervision of children should also obtain training. (Penal Code Section 11165.7)

**Definitions and Types of Child Abuse:**

The term "child abuse or neglect" includes:

- Physical Abuse
- Neglect
- Sexual Abuse
- Willful Cruelty or Unjustifiable Punishment
- Unlawful Corporal Punishment

**Physical Abuse** means a physical injury, which is inflicted by other than accidental means on a child by another person. (Partial excerpt from Penal Code section 11165.6.)

**Neglect** means negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare, and includes both acts and omissions on the part of the responsible person.

**Severe neglect** means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive, and includes those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that the child's person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter or medical care.

**General neglect** means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred. (Penal Code Section 11165.2)

**Sexual Abuse** means sexual assault or sexual exploitation.

**Sexual Assault** includes: rape, statutory rape, gang rape (or rape in concert), incest, sodomy, lewd or lascivious acts upon a child or minor, oral copulation, sexual penetration, child molestation and intentional masturbation in the presence of a child.

**Sexual exploitation** includes preparing, selling or distributing matter depicting a minor engaged in obscene acts; knowingly promoting, aiding or assisting, employing, using, persuading, inducing or coercing a child or any person responsible for a child's welfare who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to pose or

model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting or other pictorial depiction involving obscene sexual conduct; and knowingly depicting a child in, or knowingly developing, duplicating, printing or exchanging any film, photograph, video tape, negative or slide in which a child is engaged in an act of obscene sexual conduct. (Penal Code Section 11165.1)

**Willful Cruelty or Unjustifiable Punishment** means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that the child's person or health is endangered. (Penal Code Section 11165.3)

**Unlawful Corporal Punishment** means a situation where any person willfully inflicts upon any child any cruel or inhumane corporal punishment or injury resulting in a traumatic condition. It does not include an amount of force that is reasonable and necessary for a person employed by a public school to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense or to obtain possession of weapons or other dangerous objects within the control of the pupil (Education Code Section 49001), or that is necessary to maintain order, protect property, protect the health and safety of students, and maintain conditions conducive to learning (Education Code Section 44807). (Penal Code Section 11165.4)

In addition, any mandated reporter who has knowledge of, or reasonable suspicion of, mental suffering that has been inflicted upon a child, or that a child's emotional well-being is endangered in any way, **may** report the known or suspected instance of child abuse or neglect. (Penal Code Section 11166.05)

### **REPORTING PROCEDURES:**

As mandated reporters, all school employees **must** report the known or suspected incidence of child abuse or neglect to the appropriate agency **immediately** or when practically possible **by telephone**. (Penal Code Section 11166)

The following information must be provided at the time of the telephone call:

- Name, business address and telephone number of the mandated reporter, and the capacity that makes the person a mandated reporter;
- The child's name and address, present location and, where applicable, school, grade and class;
- The names, addresses and telephone numbers of the child's parents/guardians;
- The information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information; and
- The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter must make this report even if some of this information is not known or is uncertain to him or her. (Penal code Section 11167.)

The telephone call **must** be followed within **36 hours** by a written report to the same agency to which the telephone report was made. (Penal Code Section 11166)

For your reference, the following are some of the agencies to contact:

1. Children’s Protective Services (24 hr. number).....(916) 875-KIDS (5437)  
3701 Branch Center Road  
P.O. Box 269057  
Sacramento, CA 95826-9057

This is the agency to call for in-family suspected abuse (including live-in non-related persons) for which law enforcement is not immediately needed.

2. Sacramento City Police Department.....(916) 264-5471 Child Abuse Section  
5770 Freeport Blvd. Ste 100  
Sacramento, CA 95822

This is the agency to call for suspected abuse by non-family persons (neighbor, childcare provider, etc.), or if an immediate response is required for incidents occurring **within** city limits.

3. Sacramento County Sheriff’s Department.....(916) 874-5115 Sheriff’s Dispatch  
711 G Street, Room 304  
Sacramento, CA 95814

This is the agency to call for suspected abuse by non-family persons (neighbor, childcare provider, etc.), and which occurred **outside** city limits or if an immediate response is required.

**REPORT FORM:**

The required form is the Department of Justice form SS8572 (Rev. a/93), Suspected Child Abuse Report (Penal Code Section 11168.) These reporting forms can be obtained online at <http://www.sacdhhs.com/article.asp?ContentID=1786>. The online form is accessed by obtaining a code when you phone your report. The reporting party should fill in the form completely, using the address and telephone number of their work site.

- a) Submit one copy to the child protective agency to which the telephone report was made.
- b) Submit one copy to the Health Services Department within one working day (Mail Box #764) to be maintained in a confidential file by the Coordinator of Health Services. **NO OTHER COPIES ARE TO BE KEPT ON SITE OR FOR PERSONAL RECORDS.**
- c) Notify the site principal and the director/supervisor of your department of the report.
- d) The person reporting the suspected child abuse or neglect has the option of deleting his/her name from the copy that is sent to the Health Services Department. However, the Health Services copy verifies that the reporter has complied with the law for mandated reporters.

The report should be typed, if possible. Make a photocopy and submit the photocopy to Health Services Department (Mail Box 764).

**For reports sent to Children’s Protective Services**, the reporting party should receive a written response from the investigating social worker. This written response should be forwarded to Health Services Department (Mail Box 764) to be attached to the Health Services copy of the original report.

**CONFIDENTIALITY MANDATES:**

**Interview at School:** When a representative of Children's Protective Services deems it necessary, a suspected victim of child abuse or neglect may be interviewed at school. The child is given the option of being interviewed in private or selecting any adult school employee or volunteer aide to be present at the interview. The purpose of having a staff member at the interview is to lend support to the child and help him/her feel as comfortable as possible. The staff member cannot participate in the interview or discuss the facts or circumstances of the case with the child, and is subject to confidentiality requirements. (Penal Code Section 11174.3)

**Identity of mandated reporter:** The identity of all persons who are mandated reporters who report child abuse or neglect shall be confidential and disclosed only among: agencies receiving or investigating mandated reports, the district attorney in a criminal prosecution or an action initiated under Welfare & Institutions Code Section 602 arising from alleged child abuse, counsel appointed pursuant to Welfare & Institutions Code Section 317 (c), county counsel or district attorney in a proceeding under Family Code Section 7800 or Welfare & Institutions Code Section 300, a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when the mandated reporter(s) waive confidentiality, or by court order. (Penal Code Section 11167)

**Reports of Suspected Child Abuse or Neglect:** Required reports of suspected child abuse or neglect and the information contained in those reports are confidential and may be disclosed only to: persons or agencies to whom disclosure of the identity of the mandated reporter(s) is permitted, persons or agencies to whom disclosure is permitted under Penal Code Section 11170(b), persons or agencies with whom investigations of child abuse or neglect are coordinated under Penal Code Section 11174, multidisciplinary personnel teams as defined in Welfare & Institutions Code Section 18951(d), persons or agencies responsible for the licensing of facilities which care for children, and other identified persons and agencies. (Penal Code Section 11167.5)

A violation of any of these confidentiality provisions is a misdemeanor punishable by up to six months in jail or by a fine of \$500, or both. (Penal Code Section 11167.5)

**FAILURE TO REPORT:**

The mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect is guilty of a misdemeanor punishable by up to six months in jail or by a fine of \$1000.00, or both. (Penal Code Section 11166(c)) Educators who fail to report may also risk loss of their license or credential (Education Code Section 44421.) In addition, a failure to report may result in personal civil liability (Landeros v. Flood (1975) 17 Cal3d 399).

When two or more mandated reporters have knowledge of a known or suspected instance of child abuse or neglect, the telephone and written reports may be made by one person selected by mutual agreement.



However, if the selected person fails to report, then the other person is responsible for reporting. (Penal Code Section 11166 11166 (h))

The reporting duties are individual. No supervisor or administrator may impede or inhibit the reporting duties and no person making a report shall be subject to any sanction for making the report. Internal procedures to apprise administrators and supervisors of reports may be established; however, they cannot require any employee to disclose his or her identity to the employer. Reporting possible child abuse or neglect to an employer, supervisor, principal, school counselor, coworker or other person does not substitute for making a mandated report. (Penal Code Section 11166(i))

**IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR MANDATED REPORTERS:**

No mandated reporter shall be civilly or criminally liable for any required report. Any other person reporting known or suspected child abuse or neglect shall not incur civil or criminal liability unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard for the truth or falsity of the report and, in that event, the person is liable for any damages caused. (Penal Code Section 11172)



Lisa Allen, *Superintendent*  
Cancy McArn, *Chief Human Resources Officer*  
and *Lead Negotiator*

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Justine Chueh-Griffith  
*Student Board Member*

**DATE:** July 1, 2024  
**TO:** All District Employees  
**FROM:** Melinda Iremonger, TITLE IX Coordinator  
**RE:** **Title IX Sexual Harassment Requirements**

The following is a reminder from the Sacramento City Unified School District regarding Title IX and its requirements regarding sexual harassment.

**Definition of Sexual Harassment (34 C.F.R. § 106.30(a))**

The three-part definition for sexual harassment under Title IX is as follows:

*Conduct on the basis of sex that satisfies one or more of the following:*

- 1) *An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;*
- 2) *Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or*
- 3) *"Sexual assault" as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#), "dating violence" as defined in [34 U.S.C. 12291\(a\)\(10\)](#), "domestic violence" as defined in [34 U.S.C. 12291\(a\)\(8\)](#), or "stalking" as defined in [34 U.S.C. 12291\(a\)\(30\)](#).*

**Obligations of District Staff When a Witness to sexual Harassment**

When a District employee observes conduct occurring in the District's education/school program or a District school-related activity which ***could meet*** any one aspect of the three-part definition for sexual harassment under Title IX, or otherwise learns of such conduct (e.g., through a report or complaint), **this puts the District on actual notice** of alleged sexual harassment.

Pursuant to **Administrative Regulation 5145.77- Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures-** when a school employee is on actual notice of alleged sexual harassment as described above, they must notify the Title IX Coordinator or Site Designee. Such reporting must occur within one (1) business day or whenever reasonably practical.

**Results of Reporting Sexual Harassment to the District's Title IX Coordinator**

Upon the reporting of sexual harassment to the District Title IX Coordinator, the District Title IX Coordinator will promptly contact the parent/guardian of the student alleged to have been harassed (or the student if 18 or older) to discuss the availability of supportive measures, consider the parent/guardian's (or the student's if 18 or older) wishes with respect to such measures, inform the

parent/guardian (or student if 18 or older) of the availability of supportive measures with or without the filing of a formal complaint, and explain the process to file a formal complaint of sexual harassment under Title IX. These proactive measures in response to complaints of sexual harassment ensure that the District is legally compliant by not acting deliberately indifferent when responding to actual knowledge of alleged sexual harassment.

### **Recordkeeping Requirements Under Title IX**

For purposes of complaints of sexual harassment under Title IX, the District is required to maintain the following records for seven years (34 C.F.R. § 106.45(b)(10)):

- Each sexual harassment investigation including any determination regarding responsibility;
- Any audio or audiovisual recording or transcript required under paragraph 34 C.F.R. § 106.45(b)(6)(i);
- Any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
- Any appeal and the result of the appeal;
- Any informal resolution and the result of that resolution;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process; and
- For each response to complaints of sexual harassment under 34 C.F.R. § 106.44, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.<sup>1</sup>

### **District Title IX Coordinator Contact Information**

#### **Melinda Iremonger, MSW**

Title IX Coordinator, (Personnel Involved)

5735 47th Ave. Sacramento, CA 95824

Phone: (916) 643-7446

Email: [Melinda-Iremonger@scusd.edu](mailto:Melinda-Iremonger@scusd.edu)

#### **David Van Natten**

Title IX Coordinator (Student on Student)

5735 47th Ave. Sacramento, CA 95824

Phone: (916) 643-7420

Email: [David-VanNatten@scusd.edu](mailto:David-VanNatten@scusd.edu)

Sincerely,



Cancy McArn

Chief Human Resource Officer and Lead Negotiator

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<sup>1</sup> For these records in particular, in each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient's education program or activity. If the District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken. (34 C.F.R. § 106.45(b)(10)(ii).

The Sacramento Unified School District prohibits discrimination, intimidation, harassment (including sexual harassment) or bullying based on a person's actual or perceived ancestry, color, disability, gender, gender identity, gender expression, immigration status, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics or affiliation with Scouting America. For questions or complaints please contact the following staff: Title IX Coordinator (personnel related): Melinda Iremonger – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7446 – melinda-iremonger@scusd.edu; Title IX Coordinator (student only related) & Equity Compliance Officer: David Van Natten – 5735 47th Avenue, Sacramento, CA, 95824 – 916.643.7420 david-vannatten@scusd.edu; Chief Human Resources Officer: Cancy McArn – 5735 47th Avenue, Sacramento CA, 95824 – 916.643.7474 – cancy-mcarn@scusd.edu; Section 504 and Title II ADA Coordinator: Noel Estacio – 5735 47th Avenue, Sacramento CA, 95824 – 916.643.9412 – noel-estacio@scusd.edu.



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# BULLETIN

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**SUBJECT:** **FIREWORKS** **2024-25 NO. BS - 2**

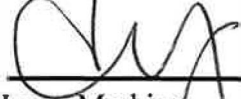
**TO:** All School Sites and Departments

**DATE:** July 1, 2024

**PREPARED BY:** Martine Kruger, Risk Management Specialist

**DEPARTMENT:** Risk Management/Employee Benefits

**REVIEWED BY:** Keyshun Marshall  
Director II, Risk Management/Employee Benefits

**APPROVED:**   
Janea Marking  
Chief Business and Operations Officer

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Please read the information below regarding Sacramento City Unified School District's prohibited firework activity on District grounds:

Firework sales remain excluded from our insurance coverage provided through the Schools Insurance Authority. Therefore, any firework activity, including sales, booths, and stands, is prohibited on District property.

An incorporated booster, athletic club or other group registered as a 501(c)(3) non-profit is a separate legal entity and may elect to continue firework sales activity on non-District owned or operated property as provided by their insurance coverage and operating procedures. These non-profit groups are not eligible for district insurance coverage.

For questions or concerns please contact Risk Management at (916) 643-9421.



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# BULLETIN

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**SUBJECT:** HEALTHY SCHOOLS ACT - INTEGRATED PESTICIDE MANAGEMENT TRAINING REQUIREMENTS **2024-25 NO. BS - 3**

**TO:** All School Sites and Departments

**DATE:** July 1, 2024

**PREPARED BY:** Martine Kruger, Risk Management Specialist

**DEPARTMENT:** Risk Management/  
Employee Benefits

**REVIEWED BY:** Keyshun Marshall  
Director II, Risk Management/Employee Benefits

**APPROVED:**

  
Janea Marking  
Chief Business and  
Operations Officer

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The California Healthy Schools Act defines the requirements for the use of pesticides at school sites and childcare centers. Effective July 1, 2016, all district employees are required to have training before applying pesticides. Therefore, the District must comply with the mandated training and provide for the safety of the students, families, and staff we serve. The requirements apply to all school and childcare staff, pest management professionals, and the Department of Pesticide Regulation.

The Healthy Schools Act also encourages schools and child care centers to adopt effective, low-risk pest management practices. The district's practices are included in the Integrated Pest Management (IPM).

**What is a Pesticide?** Pesticides refer not only to insecticides, but include other kinds of chemicals. Under state and federal law, a pesticide is any substance intended to control, destroy, repel, or attract a pest. Some common pesticides include disinfectants, repellents, insecticides, herbicides, and plant growth regulators.

The mandated training is provided online through the District's training portal, Public School Works. Public School Works is accessible online at <http://www.publicschoolworks.com/>.



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# BULLETIN

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**SUBJECT:** STUDENT ACCIDENT INSURANCE **2024-25 NO. BS-4**

**TO:** All School Sites and Departments

**DATE:** July 1, 2024

**PREPARED BY:** Martine Kruger, Risk Management Specialist **DEPARTMENT:** Risk Management/Employee Benefits

**REVIEWED BY:** Keyshun Marshall, Director II, Risk Management/Employee Benefits **APPROVED:**   
Jenea Marking, Chief Business and Operations Officer

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For information and applications regarding Student Accident Insurance, please visit the Risk Management Department webpage at <https://www.scusd.edu/post/student-insurance> or visit the Student Insurance application webpage directly at <https://www.k12specialmarkets.com/Enroll>. In order to enroll, click "Enroll Now" and follow the prompts.

For more information or help with enrollment in the Student Insurance program, please contact Student Insurance at 1(800) 367-5830.



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# BULLETIN

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**SUBJECT:**            **RESTRICTION FOR VEHICLES USED TO TRANSPORT STUDENTS**            **2024-25 NO. BS-5**


**TO:**                    All School Sites and Departments

**DATE:**                July 1, 2024

**PREPARED BY:**    Martine Kruger, Risk Management Specialist

**DEPARTMENT:**    Risk Management/Employee Benefits

**REVIEWED BY:**    Keyshun Marshall, Director II, Risk Management/Employee Benefits

**APPROVED:**              
Janea Marking, Chief Business and Operations Officer

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Please see the following information regarding the District’s restrictions on the use of personal and commercial vehicles for transporting students. The regulations outlined below are intended for your protection as well as that of students, staff, parents/volunteers, and the District.

- The District’s self-insured risk pool does not cover 15 passenger vans, which includes rented or borrowed vans.
- It is unlawful for employees, administrators or volunteers to drive students in a vehicle that carries more than 10 passengers (including the driver) unless the driver holds a Commercial Driver's License and School Pupil Activity Bus (SPAB) Certification and the vehicle is SPAB certified
  - This vehicle must pass the same inspections as a regular school bus.
  - The driver must meet the requirements of a school bus driver.
- The seats cannot be removed from a 15 passenger vehicle to meet occupant requirements.
- The vehicle must have been manufactured and maintained as a 10-passenger van. Please note the driver is counted as one of the 10 passengers. Therefore, the driver plus a maximum of nine passengers total the 10 passenger limit.

**Van Usage/Rentals:** Vans may be rented or leased from vendors as long as they meet the 10 passenger or less (including the driver) rating. K-12 schools in California **SHALL NOT** use a 15 passenger van to transport students even if seating capacity is reduced to 10 occupants or less. The rental and/or use of a van that has the capability of carrying more than 10 passengers (including driver) shall be unlawful to use.

**Buses:** If you require transportation for students, please contact the District Transportation Department at (916) 395-5720 x470014. They may be able to provide a school bus for your trip or can give you a list of District approved charter bus lines that may be hired.





# BULLETIN

**SUBJECT:** VEHICLE SAFETY PROGRAM 2024-25 NO. BS - 6  
EMPLOYEE PULL NOTICE

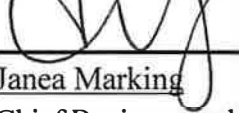
**TO:** All School Sites and Departments

**DATE:** July 1, 2024

**PREPARED BY:** Martine Kruger, Risk Management Specialist

**DEPARTMENT:** Risk Management/  
Employee Benefits

**REVIEWED BY:** Keyshun Marshall,  
Director II, Risk Management/Employee Benefits

**APPROVED:**   
Janea Marking  
Chief Business and Operations Officer

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## For Your Information:

The Sacramento City Unified School District has established a driver's safety program known as "EPN" Employee Pull Notice for all employees and volunteers that drive on behalf of the District as follows:

1. Employees that drive district vehicles
2. Employees that use their own vehicles to transport students
3. Volunteers that drive district vehicles
4. Volunteers that use their own vehicles to transport students

### Note:

**All employee in District Vehicles transporting students in vans or small district vehicles shall be drug and alcohol tested and enroll in the EPN program.**

"EPN" Employee Pull Notice allows the District to monitor driver license records of employees and volunteers who are required to drive on behalf of the District. This program is designed to ensure the safety of staff, students, and the community. If you have questions or concerns regarding this program, please feel free to contact Risk Management at (916) 643-9421.



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# BULLETIN

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**SUBJECT:** Workers' Compensation Claims Reporting Procedures, Structured Transitional Work Program, Injury Reporting **2024-25 NO. BS - 7**


**TO:** All School Sites and Departments

**DATE:** July 1, 2024

**PREPARED BY:** Amber Peña  
Manager II, Risk  
Management/Employee  
Benefits

**DEPARTMENT:** Risk Management/  
Employee Benefits

**REVIEWED BY:** Keyshun Marshall  
Director II, Risk  
Management/Employee  
Benefits

**APPROVED:**   
Janea Marking  
Chief Business and  
Operations Officer

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## **Claims Reporting Procedure:**

1. All work-related injuries/illness must be reported directly to the supervisor, site administrator or designee as soon as possible. Contact the **Schools Insurance Authority Injury Reporting Line as soon as possible at (916) 643-9299** to report an injury/illness and to obtain further information and instructions from an Early Intervention Nurse (EIN). All claims are to be reported to this number **ONLY**. Employees working after hours and/or weekends should report their injury/illness to their supervisor, site administrator or designee, and the reporting line as soon as possible and/or the following business day. If the after-hours injury/illness requires immediate medical treatment, call **911** or go to the nearest hospital immediately.
2. If medical treatment is necessary, an EIN (916) 643-9299 will provide instructions and information on scheduling a doctor's appointment.
3. For questions related to existing workers' compensation claims, contact **Schools Insurance Authority at their main number (916) 364-1281, Employee Benefits at (916) 643-9432 or email BraJona Rashada at [Brajona-rashada@scusd.edu](mailto:Brajona-rashada@scusd.edu)**

**Emergencies:** If the injury/illness is life threatening, call **911** or report to the nearest hospital. For all work-related injuries/illnesses, please contact the district's workers' compensation reporting line for Schools Insurance Authority at (916) 643-9299 or immediately after you've obtained emergency care.

**Payroll Related Questions:** Contact Employee Benefits at (916) 643-9432 for all work and non-work related payroll questions.

**Temporary Transitional Work Program:** To assist injured employees in their recovery for both work and non-work related injuries/illnesses, the District provides temporary transitional work in the form of modified or alternate work whenever possible. After reporting to the supervisor, if the injured worker has a work restriction or is temporarily disabled from work, **IMMEDIATELY** contact the Return-to-Work Coordinator with SIA at (916) 364-1281 for work related injuries/illnesses and Employee Benefits at (916) 643-9432 for non-work related injuries/illnesses for approval to return to work.

**Temporary Transitional Work Program Alternate Site:** The temporary duty work assignment timesheets are available for both work and non-work related injuries/illnesses. The timesheet must be completed, signed by the site administrator/supervisor and the employee. Once complete send to the permanent site, fax 916-399-2071 or email [benefits@scusd.edu](mailto:benefits@scusd.edu).

**Permanent Restrictions:** The District will comply with all federal, state and local laws and regulations requiring the accommodation of disabled employees. Contact Employee Benefits at (916) 643-9432 if you have a permanent disability that will affect your performance at work.

**Doctor Appointment/Physical Therapy Appointments:** Appointments are to be scheduled before or after work whenever possible to prevent sick leave dock or wage loss. This applies to follow-up appointments and physical therapy as well. ***Please note: For work-related injuries/illnesses, workers' compensation will not pick up benefits for lost time or wages due to medical or therapy appointments.***

**Doctor's Statement/Medical Appointment:** The injured worker must provide the original medical slip to their supervisor immediately following his/her medical appointment. The supervisor will immediately forward the original doctor's statement to Employee Benefits, in order to prevent payroll interruptions or holds. Non-work related medical documents can be emailed to [leaves@scusd.edu](mailto:leaves@scusd.edu), or fax to a secured fax number at (916) 399-2071.

**Reporting Absences:** Report workers' compensation absences, doctor's appointments and therapy as "SLIA" (sick leave industrial accident) on the monthly absence report. Non-work related injuries should be reported as "sick."

Please contact Employee Benefits at (916) 643-9432 if you have any questions or concerns.

## INJURY/ILLNESS PHONE DIRECTORY

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Schools Insurance Authority Workers' Compensation

P.O. Box 276710

Sacramento, CA 95827-6710

916-364-1281 (Phone)

916-364-2421 (Fax)

NEW INJURY/ILLNESS REPORTING:

Reporting Line 916-643-9299

RETURN TO WORK QUESTIONS:

Return to Work Unit 916-364-1281

EXISTING CLAIM QUESTIONS: 916-364-1281

PAYROLL and DISABILITY RELATED QUESTIONS: 916-643-9432

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Employee Benefits

Non-Industrial Injuries/Illnesses

SCUSD - BOX 840

916-643-9432 (Phone)

916-399-2071 (Fax)

**Please call 916-643-9432 to inquire about the following:**

- NEW INJURY/ILLNESS REPORTING
- RETURN TO WORK QUESTIONS
- PAYROLL and DISABILITY RELATED QUESTIONS
- EMAIL ALL MEDICAL DOCUMENTS to [Leaves@scusd.edu](mailto:Leaves@scusd.edu)



## Volunteer Administration of Epinephrine (Epi-Pen)

Pursuant to Education Code Section 49414, school districts, including the Sacramento City Unified School District (“District”), are required to provide emergency epinephrine auto-injectors (“Epi-Pens”) to school nurses and trained personnel at all school sites. This Volunteer Agreement Form outlines the training and requirements for volunteers to administer emergency Epi-Pens to a person if the person is suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

The training provided shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention and the most recent guidelines for medication administration issued by the California Department of Education. Training shall include techniques for recognizing symptoms of anaphylaxis, standards and procedures for the storage, restocking, and emergency use of Epi-Pens, emergency follow-up procedures, including calling the emergency 911, recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation, instruction on how to determine whether to use an adult Epi-Pen or a junior Epi-Pen, which shall include consideration of a pupil’s grade level or age as a guideline of equivalency for the appropriate pupil weight determination, written materials covering the information required under the law.

Any employee who volunteers may rescind their offer to administer an emergency epinephrine (EpiPen) with no retaliation against any individual for rescinding the individual’s offer to volunteer, including after receiving training.

In accordance with California Education Code § 49414, each employee who volunteers to provide emergency epinephrine (EpiPen) will be provided defense and indemnification by the District for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer’s personnel file. Further, a person trained and who administers emergency epinephrine (EpiPen) in compliance with this article, in good faith and not for compensation, to a pupil exhibiting symptoms of anaphylaxis shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the person’s acts or omissions in administering the emergency medication.

**TO VOLUNTEER PLEASE COMPLETE THE FOLLOWING FORM AND RETURN THE FORM TO YOUR SCHOOL NURSE OR HEALTHSERVICES@SCUSD.EDU**

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

**School:** \_\_\_\_\_ **Position/Title** \_\_\_\_\_

\_\_\_\_\_ I volunteer to administer emergency epinephrine (EpiPen) to person exhibiting symptoms of anaphylaxis.

\_\_\_\_\_ I understand that I will be trained by a licensed healthcare professional.

\_\_\_\_\_ I understand that I may rescind this offer at any time in the event that I no longer wish to volunteer for this procedure.

\_\_\_\_\_ I acknowledge receipt of the defense and indemnification statement on the back side of this form.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**School Nurse, distribute copies:** \_\_\_\_\_ [healthservices@scusd.edu](mailto:healthservices@scusd.edu) \_\_\_\_\_ [HR@scusd.edu](mailto:HR@scusd.edu)

Rev. 2/2024 \_\_\_\_\_ **volunteer** \_\_\_\_\_ **copy in the medication binder**



## **Volunteer Administration of Epinephrine (Epi-Pen)**

### **Employee Defense and Indemnification Notification**

California law provides specific legal obligations for an employer to defend and indemnify you in litigation against you, and these obligations are set forth in separate statutes in California's Government Code.

The obligation to provide a defense for you if you are sued as a result of volunteer related incidents is set forth in Government Code section 995, which provides in part:

Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him or her, in his or her official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

The obligation to indemnify you against a civil judgment or award is set forth in Government Code section 825(a), which provides in part:

Except as otherwise provided in this section, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

A signature on the reverse side of this form acknowledges receipt of this notification.



## Volunteer Administration of Naloxone (Narcan) Medication

Pursuant to Education Code Section 49414.3, school districts, including the Sacramento City Unified School District (“District”), may make naloxone hydrochloride (Narcan) available to school nurses or trained personnel who have volunteered pursuant to subdivision (d), and school nurses or trained personnel may use naloxone or another opioid antagonist to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose.

The training provided is consistent with the organizations and providers with expertise in administering naloxone in a school environment including, but not limited to, the California Society of Addiction Medicine, the American Academy of Pediatrics and the California School Nurse Organization, and the most recent guidelines for medication administration issued by the California Department of Education. Training shall include techniques for recognizing symptoms of an opioid overdose, standards and procedures for the storage, restocking, and emergency use of naloxone or another opioid antagonist, basic emergency follow-up procedures, including to call the emergency 911, recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation, written materials covering the information required under this subdivision.

Any employee who volunteers may rescind their offer to administer an emergency anti-seizure medication with no retaliation against any individual for rescinding the individual’s offer to volunteer, including after receiving training.

In accordance with California Education Code § 49414.3, each employee who volunteers to provide emergency naloxone (Narcan) will be provided defense and indemnification by the District for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer’s personnel file. Further, a person trained and who administers emergency naloxone in compliance with this article, in good faith and not for compensation, to a person exhibiting symptoms of opioid overdose, shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the person’s acts or omissions in administering the emergency naloxone (Narcan).

**TO VOLUNTEER TO ADMINISTER NALOXONE (NARCAN), PLEASE COMPLETE THE FOLLOWING FORM AND RETURN THE FORM TO YOUR SCHOOL NURSE OR HEALTHSERVICES@SCUSD.EDU**

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

**School:** \_\_\_\_\_ **Position/Title** \_\_\_\_\_

\_\_\_\_\_ I volunteer to administer emergency naloxone (Narcan)

\_\_\_\_\_ I understand that I will be trained by a licensed healthcare professional.

\_\_\_\_\_ I understand that I may rescind this offer at any time in the event that I no longer wish to volunteer for this procedure.

\_\_\_\_\_ I acknowledge receipt of the defense and indemnification statement on the back side of this form.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**School Nurse, distribute copies:** \_\_\_\_\_ [healthservices@scusd.edu](mailto:healthservices@scusd.edu) \_\_\_\_\_ [HR@scusd.edu](mailto:HR@scusd.edu)  
\_\_\_\_\_ **volunteer** \_\_\_\_\_ **copy in the medication binder**



## **Volunteer Administration of Naloxone (Narcan) Medication**

### **Employee Defense and Indemnification Notification**

California law provides specific legal obligations for an employer to defend and indemnify you in litigation against you, and these obligations are set forth in separate statutes in California's Government Code.

The obligation to provide a defense for you if you are sued as a result of volunteer related incidents is set forth in Government Code section 995, which provides in part:

Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him or her, in his or her official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

The obligation to indemnify you against a civil judgment or award is set forth in Government Code section 825(a), which provides in part:

Except as otherwise provided in this section, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

A signature on the reverse side of this form acknowledges receipt of this notification.





## Volunteer Administration of Anti-Seizure Medication

Under Assembly Bill 1810 and California Education Code § 49468 et esq., The Seizure Safe Schools Act, volunteers are being sought to administer, in the absence of a school nurse, an emergency anti-seizure medication to identified pupils experiencing seizure conditions. This emergency anti-seizure medication has been prescribed by the student’s physician and or surgeon and given with parental consent.

Volunteers will receive an initial training from a licensed health care professional and then a refresher training at least once annually. The training shall consist of information on various types of seizures, recognition of the signs and symptoms of seizures and the appropriate steps to be taken to respond to those symptoms: administration, or assisting with the self-administration of, an emergency anti-seizure medication, basic emergency follow-up procedures, and necessary documentation.

Any employee who volunteers may rescind their offer to administer an emergency anti-seizure medication with no retaliation against any individual for rescinding the individual’s offer to volunteer, including after receiving training.

In accordance with California Education Code § 49468.5, each employee who volunteers to provide emergency seizure medication will be provided defense and indemnification by the District for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer’s personnel file. Further, a person trained and who administers emergency anti-seizure medication or medication prescribed for seizure disorder symptoms in compliance with this article, in good faith and not for compensation, to a pupil diagnosed with seizures, a seizure disorder, or epilepsy who appears to be experiencing a seizure shall not be subject to professional review, be liable in a civil action, or be subject to criminal prosecution for the person’s acts or omissions in administering the emergency anti-seizure medication.

**TO VOLUNTEER TO ADMINISTER EMERGENCY ANTI-SEIZURE MEDICATION, PLEASE COMPLETE THE FOLLOWING FORM AND RETURN THE FORM TO YOUR SCHOOL NURSE OR HEALTHSERVICES@SCUSD.EDU**

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

**School:** \_\_\_\_\_ **Position/Title** \_\_\_\_\_

\_\_\_\_\_ I volunteer to administer emergency anti-seizure medication: \_\_\_\_\_  
name of medication(s)

\_\_\_\_\_ I understand that I will be trained by a licensed healthcare professional.

\_\_\_\_\_ I understand that I may rescind this offer at any time in the event that I no longer wish to volunteer for this procedure.

\_\_\_\_\_ I acknowledge receipt of the defense and indemnification statement on the back side of this form.

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**School Nurse, distribute copies:** \_\_\_\_\_ [healthservices@scusd.edu](mailto:healthservices@scusd.edu) \_\_\_\_\_ [HR@scusd.edu](mailto:HR@scusd.edu)  
\_\_\_\_\_ **volunteer** \_\_\_\_\_ **copy in the medication binder**



## **Volunteer Administration of Anti-Seizure Medication**

### **Employee Defense and Indemnification Notification**

California law provides specific legal obligations for an employer to defend and indemnify you in litigation against you, and these obligations are set forth in separate statutes in California's Government Code.

The obligation to provide a defense for you if you are sued as a result of volunteer related incidents is set forth in Government Code section 995, which provides in part:

Except as otherwise provided in Sections 995.2 and 995.4, upon request of an employee or former employee, a public entity shall provide for the defense of any civil action or proceeding brought against him or her, in his or her official or individual capacity or both, on account of an act or omission in the scope of his employment as an employee of the public entity.

The obligation to indemnify you against a civil judgment or award is set forth in Government Code section 825(a), which provides in part:

Except as otherwise provided in this section, if an employee or former employee of a public entity requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity and the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action, the public entity shall pay any judgment based thereon or any compromise or settlement of the claim or action to which the public entity has agreed.

A signature on the reverse side of this form acknowledges receipt of this notification.

## STUDENT SUPPORT & HEALTH SERVICES DEPARTMENT

5735 47th Avenue • Sacramento, CA 95824

(916) 643-9412 • FAX (916) 643-9471

Lisa Allen, Superintendent

Jacqueline Garner, Exec. Dir., Stud. Support & Health Services

DATE: August 13, 2024

TO: All Employees

FROM: Jacqueline Garner, Executive Director  
Student Support and Health Services Department

SUBJECT: PROCEDURES TO BE USED IN SCHOOLS FOR THE PREVENTION OF INFECTIOUS  
DISEASES TRANSMITTED BY BODY FLUIDS: 2024-25

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Resources from the California Department of Education and the Centers For Disease Control are incorporated in the following preventive guidelines. The basic principle promoted by these guidelines is to use Universal Precautions.

### BACKGROUND:

The California Health and Safety Codes, Sections 120875 and 120880) mandate that schools inform their employees annually about appropriate methods for preventing the spread of infectious diseases, with specific information about AIDS/HIV and also Hepatitis B infections.

In addition, Cal-OSHA, the California Occupational Safety and Health Administration adopted the Bloodborne Pathogens Standard (8-CCR-5193). “Bloodborne Pathogens” are defined as pathogenic microorganisms, which are present in human blood and can cause disease in humans. These pathogens include but are not limited to, hepatitis B virus, hepatitis C virus and human immunodeficiency virus. The Standard requires employers to develop plans and adopt practices, which eliminate or minimize employee occupational exposure to blood and other contaminated body fluids. In compliance with the Standard, Sacramento City Unified School District has developed an Exposure Control Plan, which covers the following areas:

1. Exposure determination for employee infection control
2. Hepatitis-B vaccination
3. Control methods including:
4. Universal Precautions
5. Engineering controls
6. Work practice controls
7. Personal protective equipment
8. Post exposure evaluation and follow-up
9. Regulated waste disposal
10. Labels and bags
11. Housekeeping practices
12. Training and education of employees
13. Record-keeping

A copy of the Exposure Control Plan is available for review at every school site and program office within the school district.

## UNIVERSAL PRECAUTIONS

The term UNIVERSAL PRECAUTIONS refers to a system of infection control in which the body fluids of all persons are treated as if known to be infectious. In the school setting, those precautions should include: hand washing, using disposable gloves, careful trash disposal, using disinfectants, and modifications of cardiopulmonary resuscitation (CPR)

It is critical that universal precautions be used in every instance when handling blood and body fluids because (1) there may be situations where it is not known that a person is infected; (2) persons should not wait until an identified infected student or adult is encountered before practicing infectious disease prevention techniques; and (3) for legal reasons related to confidentiality, there is no requirement that health officials notify school authorities of the results of blood tests for antibody to the HIV virus.

The term “body fluids” includes: blood, semen, vaginal secretions, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (such as nasal drainage) and saliva.

### HAND WASHING:

1. Thorough hand washing is the single most important factor in preventing the spread of infectious diseases and should be practiced routinely by all school personnel and taught to students as routine hygienic practice.
2. All staff should wash their hands in the following circumstances:
  - Before handling food, drinking or eating
  - After toileting
  - After contact with body fluids or items soiled with body fluids
  - After touching or caring for students, especially those with nose, mouth, or other discharges
3. Scheduling time for students to wash hands before eating is suggested to encourage the practice.
4. How to wash hands: Wet hands with running water and apply soap from a dispenser. Lather well and wash vigorously for 15 to 20 seconds. Soap suspends easily removable soil and microorganisms, allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse well under running water with water draining from wrist to fingertips. Leave water running. Dry hands well with a paper towel and then turn off the faucet with paper towel. Discard the towel.
5. Classroom instruction about proper hand washing can be integrated into health instruction at all grade levels.

### FIRST AID INVOLVING BODY FLUIDS AND CPR:

1. Avoid direct skin contact with body fluids. Allow the student or staff person to clean their own body fluid spill when this can be done safely. If direct skin contact occurs, hands and other affected skin areas should be washed with soap and water immediately after contact has ended.
2. An “occupational exposure incident” is defined as: specific eye, mouth or other mucous membrane, non-intact skin or parenteral contact with BLOOD or blood-tinged body fluids resulting from the performance of an employee’s duties. If an ‘incident’ occurs, the following steps should be taken by the affected employee:
  - Immediately wash the skin area exposed to body fluids with soap and running water. If it is the eye or mouth, flush with water.
  - Report the incident directly to your supervisor and include the names of everyone directly involved, as

soon as possible.

- The site administrator, supervisor or designee will report work-related injuries to the District Workers' Compensation Office at (916) 643-9299. The SIA Nurse will direct the employee to the appropriate medical facility to determine the need for Hepatitis B vaccination and treatment.
  - Employees working after hours and/or weekends may be directed by their site administrator, supervisor or designee to call 643-9299 and leave a message. Someone will return your call the next business day. If it is an emergency, call 9-1-1 or go to the nearest hospital.
3. Disposable single-use non-latex gloves should be used when contact with body fluids is anticipated (such as bloody nose, diapering, etc.). Gloves are standard components for first aid supplies in the schools so that they are readily accessible for emergencies and regular care given in school health offices.
  4. Devices that prevent backflow of fluids from the mouth of a victim being given CPR should be used by rescuers in the school setting. These devices are available through local medical supply companies.
  5. Any soiled clothing should be placed in a plastic bag, sealed and placed in a second plastic bag. If soiled with blood, the second bag should be a red biohazard bag, available from the custodian. Label with the student's name. Send home with the student.

#### TRASH DISPOSAL:

1. All wastebaskets should be lined with disposable plastic bags. In areas where blood is present, physical care is provided or personal care occurs (e.g., health office, restrooms, locker rooms, science classrooms, etc.), disposable plastic bags should be replaced daily.
2. Waste in which contains recognizable fluid blood is considered biohazardous waste and must be double bagged with the outside bag color-coded red and with a biohazard label. Biohazard waste cannot be disposed of in the dumpster. Please note: Band-Aids, feminine hygiene products or dressings with a small amount of dried blood are NOT considered biohazardous waste and may be disposed of in plastic bags as regular trash.
3. If needles, syringes, or lancets are used in the school setting or found on the school premises, a special puncture-proof container is available from Health Services. Place intact needles and syringes in the designated puncture-proof container. Do not bend or break needles and do not recap needles. Health Services will pick up and dispose of the containers with a medical waste hauler.

#### USING DISINFECTANTS

1. Environmental surfaces contaminated with body fluids should be cleaned promptly with disposable towels and approved disinfectant. Disposable gloves should be worn. Disposable items should be discarded in a plastic-lined wastebasket.
2. Mop solution used to clean up body fluid spills should consist of the district-approved disinfectant. Used mops should be soaked in this solution 30 minutes and rinsed thoroughly before reusing.
3. After cleanup, remove gloves and wash hands.
4. If carpet is soiled, clean up immediately with absorbent material and disinfect with district approved disinfectant.

INFECTIOUS DISEASES

WHAT IS AIDS/HIV INFECTION?

AIDS (Acquired Immune Deficiency Syndrome) is the advanced stage of HIV (Human Immunodeficiency Virus) infection. The virus attacks the body’s immune system, leaving the immune system vulnerable to life threatening opportunistic infections and malignancies. The virus also may directly attack the central nervous system. Persons infected with HIV may have no apparent symptoms for up to ten years and may appear to be in good health. More than half of the persons in the United States who have been diagnosed to have AIDS (the advanced stage of HIV infection) have died. There is no known cure for AIDS at this time.

HOW IS HIV INFECTION SPREAD?

Everyone infected with HIV, even a person without apparent symptoms, is capable of transmitting the infection. HIV infection can be transmitted by:

1. Sexual activity involving direct contact with blood, semen, or vaginal secretions of someone who is infected
2. Sharing intravenous (IV) needles and/or syringes with someone who is infected
3. Accidental needle sticks with needles containing infected blood
4. Direct contact with infected blood on broken skin or mucous membranes (eyes, nose, mouth)
5. Receiving a blood transfusion or blood products from someone who is infected (screening test advancements have reduced this risk)
6. Sharing unsterilized instruments for tattooing, ear piercing, shaving or acupuncture with someone who is infected
7. Being born to or breast fed by an infected mother

THE HIV/AIDS VIRUS CANNOT BE TRANSMITTED OR SPREAD:

through air or water	by using drinking fountains, toilets, sinks, etc.
by coughing or sneezing	through closed-mouth kissing
on surfaces such as phones or door knobs	through hugging

(There is no documentation of transmission through these sources.)

SYMPTOMS OF HIV INFECTION:

A person could be infected with HIV and not know it because it can take years to damage the immune system enough for symptoms to appear. When symptoms do appear, they often seem like many common illnesses and may include:

Fever	Swollen glands	Loss of appetite
Night sweats	Diarrhea	Weight loss

A blood test, which shows the presence of HIV antibodies, confirms HIV infection. As the HIV infected person becomes unable to fight off infections and certain illnesses, the person is diagnosed with AIDS. There is no cure for HIV or AIDS at this time.

HIV/AIDS

RESOURCES:

Education: Sacramento County AIDS Program (916) 875-6022

Testing: Anonymous Testing:  
Sacramento County Department of Health and Human Services  
(916) 874-7720

Medical Treatment: One Community Health  
HIV Care and Prevention Team(916) 842-5185  
<https://oncommunityhealth.com/services/medical/hiv-care/>

Information: Northern California AIDS Hotline (1-800-367-2437)  
Monday through Friday – 9:00 a.m. to 4:00  
p.m. Saturday and Sunday – Closed  
[www.HIVServicesCa.com](http://www.HIVServicesCa.com)  
Operators speak: English, Spanish  
AIDS/HIV Night Line: 1-800-273-2437, 5:00 p.m. to 5:00 a.m. every night  
Also offers Spanish-language hotline at: 1-800-303-7432

### WHAT IS HEPATITIS B?

Hepatitis B is an infection of the liver caused by a virus present in blood and other body fluids of infected persons. Less than 50 percent of persons who become infected show symptoms of illness. The onset of symptoms may appear 6 weeks to 6 months after becoming infected with the virus. Five to ten percent of infected adults can become chronic virus carriers. Hepatitis B carriers may or may not have chronic liver disease. Persons with chronic liver disease are at increased risk for developing liver cancer.

### HOW IS HEPATITIS B SPREAD?

An infected person can transmit Hepatitis B as long as the virus remains in the blood. Transmission may occur as early as 4 weeks before any symptoms occur. A small percentage of people will carry the virus in their blood for years and are known as chronic carriers. Hepatitis B can be transmitted by:

1. Sexual activity involving direct contact with blood, semen, or vaginal secretions of someone who is infected
2. Sharing unsterile instruments used for tattooing, ear piercing, shaving or acupuncture with someone who is infected
3. Sharing intravenous (IV) needles and/or syringes with someone who is infected
4. Direct Contact of infected blood with broken skin or mucous membrane (eyes, mouth, nose)
5. Accidental needle sticks with needles containing blood from a virus carrier
6. Being born to an infected mother
7. Sharing toothbrushes of an infected person

### SYMPTOMS:

Mild fever Fatigue  
Loss of appetite  
Skin becomes yellowish (jaundice)  
Vomiting Muscle aches Joint aches  
Stool turns light (clay colored)  
Abdominal pain Nausea  
Urine turns dark

HEPATITIS B VACCINATION:

The Cal-OSHA Bloodborne Pathogens Standard requires employers to offer the 3-injection Hepatitis B vaccination series free to those employees who are determined to be occupationally at risk for exposure to blood and other potentially infectious materials as a result of their job duties. Sacramento City Unified School district employees who are determined to be at risk are provided with specific Bloodborne Pathogen Standard training and written information about the opportunity to receive the Vaccination series.

Initial and annual re-trainings are mandatory in order to meet Cal/OSHA requirements for the following job classifications:

- athletic coach
- bus attendant
- bus driver
- campus monitor
- child care worker
- custodian
- elementary school principal, secretary or clerk who perform first aid routinely
- Health aides
- physical education teacher
- plant manager
- plumber
- police officer
- preschool staff
- school community liaison
- school nurse
- special education teacher or aide working with disabled student (of special day classes except LD and RSP)
- walking attendant

Other employees not listed above may wish to discuss the need for Hepatitis B vaccine with their primary care physician. The Hepatitis B vaccination series may be covered by district health plans.

Questions regarding this memorandum may be directed to the Health Services Office at (916) 643-9412.





**OFFICE OF THE SUPERINTENDENT**

5735 47th Avenue • Sacramento, CA 95824

(916) 643-9000 • FAX (916) 399-2058

Lisa Allen, *Superintendent*

Jacqueline Garner, *Executive Director, Student Support & Health Services*

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*Student Board Member*

DATE: August 12, 2024

TO: All Employees

FROM: Jacqueline Garner, *Executive Director*  
Student Support and Health Services

**SUBJECT: Student Suicide Prevention: 2024-25**

Today's students are encountering heightened pressures, amplified by the lasting effects of the COVID-19 pandemic. This surge in stress has contributed to a rise in anxiety, depression, and emotional distress, which can sometimes lead to suicidal thoughts. As educators, we play a crucial role in safeguarding our students' mental health. By recognizing the signs of emotional distress and potential indicators of suicide, we can intervene early and help students access the support they need, potentially saving lives.

**SCUSD Student Suicide Prevention Training Mandate**

State Law AB2246, AB1767, & SCUSD Board Policy 5141.52 requires all district staff and all other adults who work with students to be trained in Suicide Prevention & Awareness.

For the 2024-25 school year, all district staff are required to complete the Mandated Suicide Prevention and Response training course found on the Public School Works website. In addition, please review and follow the 2024-25 Student Suicide Risk Assessment Procedures in Attachment 1.

Thank you for your work in enhancing the safety net for youth by completing these simulations. Together we can all help keep our students and community safe.

## ATTACHMENT 1

### 2024-2025 STUDENT RISK ASSESSMENT PROCEDURES FOR SUICIDE, HARM TO SELF, AND/OR HARM TO OTHERS

#### Role of ALL District Staff (including all district-contracted partners)

Any staff who are concerned that a student is showing warning signs of potential suicide risk, self-injury and/or harm to others, **must immediately contact the school administrator or designee. No staff shall wait to report safety concerns; they must be reported to the school administrator immediately in the moment that they are expressed. Always take signs of harm to self and/or others including suicidal feelings, thoughts, behaviors, or plans very seriously. Potential signs may include verbal statements, written content, artistic expressions, social media postings, etc.**

For IMMEDIATE Safety Risk (Student is Actively Attempting Suicide or Engaging in Suicidal Behavior/Self-Injury):

- During the SCHOOL DAY do the following:
  - a. Call 911 if a student has immediate Plan for Suicide/Self Injury or Recent attempt of self harm or suicided  
- OR -
  - b. Contact parent/caregiver to immediately transport student to a hospital or mental health treatment center If parent/caregiver can't be reached, contact law enforcement for transport support (request the "Mobile Crisis Response Team" if available).
- AFTER HOURS:
  - a. Staff must provide crisis hotline numbers to the student and contact the parent/caregiver. If a safe adult cannot be reached, call Law Enforcement and request the Mobile Crisis Response Team complete a Welfare Check. [Click here for Mental Health Crisis Resources](#) [it may be helpful to print several copies of this resource and have them ready to hand to students/families].
- During EXPANDED LEARNING:
  - a. After 4:00 PM, Expanded Learning Program staff will contact their assigned SCUSD Youth Development (YD) Area Specialist. The YD Area Specialist will identify the SCUSD mental health professional who will conduct the suicide risk assessment.

Procedure for IMMEDIATE Assessment (Student is or may be thinking about suicide or self-harm):

1. Keep student under constant adult supervision until the District-adopted risk assessment tool has been completed. Staff must not release a student exhibiting potential suicide risk without a safety assessment and/or consultation with a trained district employed mental health professional.
2. The school administrator or designee shall immediately contact a District-employed Risk Assessment Staff (RAS; i.e. school counselor, nurse, psychologist, social worker, or mental health specialist). **Only a Risk Assessment Staff trained in the District-approved suicide risk assessment tool may complete a suicide risk assessment.**
3. If no Risk Assessment Staff is available at the school site, the principal or designee

will contact the Student Support & Health Services Staff (in the order listed below) to identify someone to complete the assessment. **CALL/TEXT ONLY - DO NOT EMAIL:**

- Liz Sterba: 916-826-3050
- Jacqueline Garner: 916-752-3353

4. In the event that a parent/caregiver wants to remove the student prior to completion of an assessment, or if the parent/caregiver refuses to take the student for necessary follow-up care at an emergency room or mental health treatment center, staff must report the removal/refusal to the school administrator or designee and assess whether mandated reporting requirements require a referral to child protective services and/or law enforcement.
5. Staff will maintain confidentiality of the student as appropriate prior to, during, and after suicide risk assessment process. Information regarding student mental health shall only be shared as is necessary for the safety of the student (i.e. school administrator, district mental health professional, parent/guardian/caregiver). *Do not share with staff where it is not relevant or in the best interest of the student.*

## **Role of SCUSD Risk Assessment Staff (RAS)**

### **Harm to Self Assessment Protocol:**

The RAS completes and documents all parts of a suicide risk assessment, which include the following steps:

1. Discuss confidentiality and its limits with the student, including requirement to disclose outcome of assessment and next steps with family, if safe.
2. Administer the District-approved suicide risk assessment tool.
3. Safety Plan with the student (if appropriate)
  - a. If the student discloses *any* suicidal or self-harm ideation, thoughts, or behaviors/past behaviors, RAS must discuss and develop a [safety plan](#) with the student. If assessment is conducted virtually and based upon the developmental and language capacity of the student, the student will be asked to write a safety plan out in their current location and show the final document on the screen and/or send a photo of the plan after safety planning has been conducted. RAS will simultaneously fill out the Safety Plan form to document the agreed upon procedure. Safety plans should include [local mental health crisis resources](#) [it may be helpful to print several copies of this resource and have them ready to hand to students/families].
4. Contact the Parent/Caregiver (or CPS Report if unsafe to inform family)
  - a. If it is safe to disclose to parent/caregiver, regardless of identified risk level, the RAS must inform the student's parent/caregiver of the outcome of the assessment and safety plan for the student. Both the student and parent/caregiver will, at a minimum, be provided with [local mental health crisis resources](#).
  - b. If it is safe to disclose to parent/caregiver and student is assessed to be at "High" risk of suicide or self-injury, the RAS must ensure the student remains supervised, or if the student is in independent study will attempt to remain in tele-contact, until an adult is present to assist with obtaining emergency mental health care for further assessment (e.g. parent/caregiver will accompany student to ER/Mental Health Urgent Care Clinic, or call 911).

- i. In the event that a parent/caregiver refuses to take the student for necessary follow-up care at an emergency room or mental health treatment center, staff must report the refusal to the school administrator or designee and determine whether mandated reporting requirements require a referral to child protective services and/or law enforcement.
  - c. If it is not safe to disclose to parent/caregiver no disclosure shall be made. No disclosure will be made to the parent/caregiver when there is reasonable cause to believe that the disclosure would result in a clear and present danger to the health, safety, or welfare of the student. In the case of no disclosure to parent/caregiver, the RAS should consult with another trained District Risk Assessment Staff, and must report safety/welfare concerns to child protective services and/or law enforcement. Documentation of this decision should be made on the Disposition Summary form as well as following the RAS' own department's documentation procedures.
5. Complete the [Disposition Summary Form](#)
6. Document of actions taken per assigned department's policies and procedures
  - a. Send all completed paperwork to the District email address at: [safety-assessment@scusd.edu](mailto:safety-assessment@scusd.edu) (put "CONFIDENTIAL" in the subject line); or intra-district mail to SSHS / Box 708.  
- AND -
  - b. Document in Infinite Campus under Counseling - General - Contact Log - in "details section write "*Assessment #4*"
7. Provide postvention/re-entry support as needed  
Any student assessed as "Moderate" or "High" risk are to be provided postvention/re-entry supports, including:
  - a. If the student will miss school for follow-up support, inform the site administrator and student's teacher(s) about possible absences, while maintaining student confidentiality:
    - i. Encourage accommodations for the student to be excused from missed assignments, or at a minimum be allowed to make up work (make up assignments may add stress to the student);
  - b. If the student has not been linked to mental health services in the community, the District employed RAS will work with parent/caregiver to link the student.
  - c. Obtain a written release of information signed by parents/caregivers to coordinate care with treating providers, if possible;
  - d. Determine if the student's condition warrants ongoing school-based support with a referral for COST/Student Support Center, Student Study/Success Team (SST) meeting, a 504 Accommodation Plan or for Special Education Services/Individual Education Plan (IEP).

### Special Circumstances

- Student Declines/Refuses to Participate in Assessment  
Should the student decline or refuse to participate in the assessment, the RAS must immediately contact parent/caregiver to: 1) alert them to the safety concern and 2) request that they take the student to Mental Health Urgent Care or their nearest Emergency Department for assessment. Document the student's refusal and following communication with parent/guardian/caregiver, on the Disposition Summary form.

- Student is In Independent Study/Not In Person  
If the RAS is not able to conduct the assessment with the student in person due to independent study, assessment is to be completed remotely (phone or video). Use contact information provided by the referring party. If none was provided, use contact information in Infinite Campus following the emergency priority listing.
- Student is Unreachable (ie: Absent from school when concern reported)  
A minimum of three attempts should be made to reach the student or parent/caregiver, or other primary contacts listed in Infinite Campus. If unsuccessful the RAS will contact Law Enforcement and request the Mobile Crisis Response Team to complete a Welfare Check at the student's home.
  - Sample introduction when calling a parent/guardian/caregiver - *“I am (state name and role) and am calling regarding a safety concern about (insert student name). May I please speak with them briefly? I will follow up with you before I end our call.”*
  - Speak privately with the student (or parent/caregiver if student is unavailable). In the event that a parent/caregiver prevents the completion of an assessment, contact Law Enforcement and request the Mobile Crisis Response Team complete a Welfare Check.

### **Harm to Others Assessment Protocol:**

Due to documented co-occurrence of suicidal ideation with harm to others ideation, a suicide risk (“Harm to Self”) assessment will be completed with any student expressing or thought to be at risk of harming another person(s); the Safe Schools threat assessment for harm to others, however, will be completed by trained staff in the SCUSD Safe Schools Office once a suicide risk assessment is completed, not the RAS.

1. Complete steps one through three in the Harm to Self Assessment Protocol above. Though the student may have been sent for concern about harm to *others*, explain to them that we always ask questions about personal safety when talking about the safety of others. Ensure that you speak with the student about confidentiality and its limits prior to administering the District-approved suicide risk assessment tool.
  - a. If the student assesses at high risk, follow Step 4b above, before proceeding.
2. Gather information about the concern of harm to others. Ask the student about:
  - a. Who they want to harm;
  - b. Why they want to harm them;
  - c. How they plan to harm them; and
  - d. Whether they have access and/or intention to carry out their plan
3. Call AND text Ray Lozada, SCUSD Safe Schools Office Director (916-549-6899) to request a Threat Assessment. Share relevant information about the outcome of the suicide risk assessment, and the information gathered about harm to others, so he can determine next steps.
4. Notify the site administrator that you have communicated with Safe Schools.
5. Remain with the student until a Safe Schools team member arrives, and speaks with the student.
6. Once the Safe Schools team has completed their assessment, collaborate with them on who will contact the parent/caregiver (or CPS if unsafe), as well as next steps.

The RAS must complete a Harm to Self assessment - steps one through seven above - in **ALL** cases where a student is referred for **ANY** safety concern. Specifically for safety concerns related to Harm to Others, once steps 1-7 above are completed refer the student to SCUSD Safe

Schools Office Director, Ray Lozada (916-549-6899) for a Threat Assessment. In addition the RAS will also make all reasonable attempts to ensure that the school administrator is made aware of the outreach to Safe Schools.

*\* A Risk Assessment Staff (RAS) is defined as any SCUSD staff member who has training in a mental health-related field and is serving in a District position related or adjacent to mental health. This includes all School Counselors, School Nurses, School Psychologists, School Social Workers, Specialist II, Mental Health or Coordinator I, Mental Health. Per District policy these staff must be trained in the SCUSD assessment process and procedures in order to be eligible to conduct assessments.*

For information contact Liz Sterba: [elizabeth-sterba@scusd.edu](mailto:elizabeth-sterba@scusd.edu) or 916-826-3050.



# MEMORANDUM

**DATE:** August 1, 2024

**TO:** Sacramento City Unified School District (District) Staff and Employees

**FROM:** Legal Services and Technology Services

**RE:** District Records

The purpose of this memorandum is to share various updates and remind staff and employees of their obligations concerning District records and District devices. The District recognizes the importance of securing and retaining its documents in accordance with law, Board policy, and administrative regulations. See Exhibit A – Board Policy 3580 (District Records); Exhibit B – Administrative Regulation 3580 (District Records).

All records, including electronic records (e.g., email and text messages), related to District business are subject to the classes defined in Administrative Regulation 3580 (District Records). See Exhibit B. Depending on the class categorization, a record is considered permanent, optional, or disposable, subject to varying timelines for retention. *Id.*

The District destroys electronic records following their third year of existence. As such, it is critical for employees to classify the records in accordance with Administrative Regulation 3580 (District Records) and retain any electronic records in a separate file if such documents are required to be retained for longer than three years. See Exhibit B.

Retaining records is critical for various reasons:

- The California Public Records Act (CPRA, Government Code sections 6250-6276.48) defines a public record as, “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” The CPRA thus applies to email and text messages and requires that District employees properly identify, manage, and store such communications in accordance with the classes defined in Administrative Regulation 3580 (District Records). See Exhibit B. Additionally, because the CPRA applies to electronic communications, employees’ email and text messages concerning District business are subject to public disclosure. See *City of San Jose v. Superior Court*, 2. Cal.5th 608 (2017) (finding that the emails of the agents of a public entity that concern the business of the public entity even when using the individual’s private email are considered public records).
- Litigation/legal holds on records may require the District to suspend its routine record retention and destruction policy and processes to preserve relevant documents.

Employees are prohibited from using their District-issued devices for personal business and are required to regularly purge their email accounts and District-issued devices (e.g., cell phones) of personal electronically stored information and other information unrelated to District business. The District may check for appropriate use of any District-owned equipment at any time. Accordingly, if employees use their District accounts for personal purposes the District may view and access such records. See Gov. Code § 8314(a) (“It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.”).

Thank you for compliance with Board Policy and Administrative Regulation 3580 (District Records). Please contact Legal Services and/or Technology Services for any questions regarding the same.



# Sacramento City USD

## Board Policy

### District Records

BP 3580

#### **Business and Noninstructional Operations**

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

(cf. 1340 - Access to District Records) (cf. 3440 - Inventories)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files) (cf. 5125 - Student Records)

The Superintendent or designee shall consult with district legal counsel, site administrators, district information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of district documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

(cf. 0440 - District Technology Plan)  
(cf. 3516 - Emergencies and Disaster Preparedness Plan) (cf. 4040 - Employee Use of Technology)  
(cf. 9011 - Board Member Electronic Communications)

The Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage, loss, or theft.

(cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development) (cf. 4331 - Staff Development)

If the district discovers or is notified that a breach of security of district records containing unencrypted personal information has occurred, the Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The Superintendent or designee shall provide the notice in a timely manner either in writing or electronically, unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

(cf. 1112 - Media Relations)  
(cf. 1113 - District and School Web Sites)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications) (cf. 5145.6 - Parental Notifications)

#### Safe at Home Program

District public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish district residency requirements for enrollment and for school emergency purposes.

(cf. 5111.1 - District Residency)  
(cf. 5141 - Health Care and Emergencies)

#### Legal Reference:

##### EDUCATION

##### CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

49069 Absolute right to access

##### CIVIL CODE

1798.29 Breach of security involving personal information

##### CODE OF CIVIL PROCEDURE

1985.8 Electronic Discovery Act

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

430 Individual student records; definition

432 Varieties of student records

16020-16022 Records, general provisions

16023-16027 Retention of records

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE

34

99.1-99.8 Family Educational Rights and Privacy Act

Management Resources:

WEB SITES

California Secretary of State: <http://www.sos.ca.gov/safeathome>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: November 5, 2001

revised: September 16, 2021

## Exhibit B

# Sacramento City USD

## Administrative Regulation

### District Records

AR 3580

### **Business and Noninstructional Operations**

#### Classification of Records

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

Records do not include materials not necessary or convenient to the discharge of official duty, such as unsolicited electronic mail and advertisements.

(cf. 1340 - Access to District Records)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of continuing nature (active and useful for administrative, legal, fiscal, or other purposes over a period of years) shall not be classified until such usefulness has ceased. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

(cf. 3440 - Inventories)

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

(cf. 5125 - Student Records)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or

Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

#### Class 1 - Permanent Records

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

1. Annual Reports

- a. Official budget
- b. Financial reports of all funds, including cafeteria and student body funds
- c. Audit of all funds
- d. Average daily attendance, including Period 1 and Period 2 reports
- e. Other major annual reports, including:
  - (1) Those containing information relating to property, activities, financial condition, or transactions
  - (2) Those declared by Governing Board minutes to be permanent
  - (3) (cf. 3100 - Budget)  
(cf. 3452 - Student Activity Funds)  
(cf. 3460 - Financial Reports and Accountability)  
(cf. 3551 - Food Service Operations/Cafeteria Fund)

2. Official Actions

- a. Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only
- b. The call for and the result of any elections called, conducted, or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district reorganization
  - (cf. 7214 - General Obligation Bonds)
  - (cf. 9324 - Minutes and Recordings)

3. Personnel Records

Class 1 (Permanent) records include all detailed records relating to employment; assignment; amounts and dates of service rendered; termination or dismissal of an employee in any position; sick leave record; rate of compensation, salaries, or wages paid; and deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as a Class 1 (Permanent) record and the detailed records may then be classified as Class 3 (Disposable) records.

Information of a derogatory nature as defined in Education Code 44031 shall be retained as a Class 1 (Permanent) record only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

#### 4. Student Records

The records of enrollment and scholarship for each student required by 5 CCR 432 and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law shall be classified as Class 1 (Permanent) records. These include any related policy of liability insurance, except that these records cease to be Class 1 (Permanent) records one year after the claim has been settled or the statute of limitations has expired.

(cf. 5111.1 - District Residency)  
(cf. 5141 - Health Care and Emergencies)  
(cf. 5143 - Insurance)

#### 5. Property Records

Class 1 (Permanent) records include all detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as a Class 1 (Permanent) record. The detailed records may then be classified as Class 3 (Disposable) records if the property ledger includes all fixed assets; an equipment inventory; and, for each piece of property, the date of acquisition, name of previous owner, a legal description, amount paid, and comparable data if the unit is disposed of.

(cf. 3280 - Sale or Lease of District-Owned Real Property)

#### Class 2 - Optional Records

Any records considered temporarily worth keeping, but which are not Class 1 records, may be classified as Class 2 (Optional) records and shall be retained until reclassified as Class 3 (Disposable) records. If, by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified as Class 2 (Optional) records pending further review and classification within one year. (5 CCR 16024)

#### Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) records shall be classified as Class 3 (Disposable) records. These include, but are not limited to, detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent) records; and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as a Class 3 (Disposable) record. (5 CCR 16026, 16027)

(cf. 5113.2 - Work Permits)

### Electronically Stored Information

All electronically stored information related to the conduct of district business, including information created, saved, sent, or received on a district employee's or Board member's personal account or device, shall be saved as an electronic file to a district-provided account or device and retained in accordance with the section "Classification of Records" above. Such information includes, but is not limited to, email, computer files, and other electronic communications related to district business. In addition, when appropriate, the information may be printed and physically filed in a way that allows it to be easily retrieved when needed.

(cf. 9012 - Board Member Electronic Communications)

Employees shall be required to regularly purge their email accounts and district-issued computers, cell phones, and other communication devices of personal electronically stored information and other information unrelated to district business. The Superintendent or designee may check for appropriate use of any district-owned equipment at any time.

(cf. 4040 - Employee Use of Technology)

Any person to whom a district-owned computer, cell phone, or other electronic communication device is provided shall be notified about the district's electronic information management system and, as necessary, provided training on the effective use of the device.

Regulation    SACRAMENTO CITY UNIFIED SCHOOL DISTRICT  
approved:    November 16, 1998    Sacramento, California  
reviewed:    June 11, 2002  
revised:      October 12, 2021

# Sacramento City USD

## Board Policy

### Sexual Harassment

BP 4119.11 4219.11,4319.11

#### Personnel

The Governing Board desires to provide district employees with a working environment that is free from harassment. In order to achieve this end, the Board prohibits sexual harassment of district employees by anyone, in any manner, and shall not tolerate retaliatory action or behavior against a district employee or other person who complains, testifies or otherwise participates in the complaint process pursuant to Board policy and administrative regulations.

For the purposes of this policy, district employees shall include applicants for employment in the district.

Any district employee who permits, engages in or participates in sexual harassment of another district employee or student shall be in violation of this policy and is subject to disciplinary action, up to and including dismissal. An employee shall be deemed to have permitted sexual harassment where he/she has knowledge that a student or an employee has engaged in sexual harassment and fails to report such student or employee to the appropriate authorities, whether or not the victim makes a complaint.

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

(cf. 4030 - Nondiscrimination in Employment) (cf. 4117.4 - Dismissal)  
(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 4318 - Suspension/Disciplinary Action)

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any instance of sexual harassment by another employee or a student, shall immediately contact his/her supervisor, principal, Superintendent or designee, or other district administrator, to obtain procedures for reporting a complaint. However, an employee may bypass his/her supervisor in registering a complaint where the supervisor is the alleged perpetrator of the sexual harassment. Employee complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

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



2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough and fair investigation of complaints in a way that respects the privacy of all parties concerned, to the extent necessary
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require subsequent monitoring of developments.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE 1101 Political activities of employees

1102.1 Discrimination: sexual orientation

UNITED STATES CODE, TITLE 42

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

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2-2000h-6

Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d.

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS

GENERAL

Protecting Students from Harassment and Hate Crime, January,

1999 WEB SITES

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

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

8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex or gender identity or expression
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, sexual violence, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus and outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of District policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

#### Instruction/Information

The Superintendent and District Title IX Compliance Officer shall ensure that students receive age-appropriate information related to sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence;
2. A clear message that students do not have to endure sexual harassment under any circumstance;
3. That any and all students are encouraged to immediately report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained;
4. A clear message that student safety is the District's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved;
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements of a uniform complaint, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students;
6. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made;
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the District investigation of a sexual harassment complaint is ongoing; and
8. A clear message that, when needed, the District will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students

[Sacramento City USD](#) | BP 5145.7 Students

#### **Sexual Harassment**

The Governing Board is committed to maintaining a safe learning environment that is free of harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by any person. The Board also prohibits retaliatory behavior or action against any person who submits a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The District strongly encourages any student who feels that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment, including cyber harassment/on-line/social media activity and/or sexual violence, that has a continuing effect on campus, to immediately contact their teacher, the principal, or any other available school employee.

Any district employee who receives a report or observes an incident of sexual harassment shall notify the principal, Site Designated Title IX Administrator or a District Title IX Compliance Officer. Once notified, the Site Designated Title IX Administrator or District Title IX Compliance Officer shall take the steps to promptly investigate and address the allegation, as specified in the accompanying administrative regulation. District and site personnel shall take immediate steps to intervene when safe to do so when she or he witnesses an act of discrimination, harassment, intimidation, retaliation, and/or bullying. While the district has promulgated a written complaint form, there is no requirement that the reporting student provide their complaint in writing in order for an investigation to occur.

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

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

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

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

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [6142.1](#) - Sexual Health and HIV/AIDS Prevention Instruction)

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed by a fellow student, staff member, or other person. District and site staff shall promptly report complaints of sexual harassment to the Site Designated Title IX Administrator or the District Title IX Compliance Officer designated in AR 5145.7 and AR 1312.3. District and site staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent through the District Title IX Compliance Officer shall take appropriate actions to reinforce the District's sexual harassment policy.

Prohibited sexual harassment includes, but is not limited to, sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code [212.5](#); 5 CCR [4916](#))

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment. The conduct is sufficiently severe, persistent, pervasive or objectively offensive, so as to create a hostile or abusive educational or working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any District program or activity.

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [6142.1](#) - Sexual Health and HIV/AIDS Prevention Instruction)

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures or obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body

during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment.

The District Title IX Compliance Officer shall receive training and shall oversee appropriate trainings for District staff, including management as well as certificated and non-certificated staff. Each Site Designated Title IX Administrator shall receive initial and ongoing training, as appropriate, to carry out their duties.

(cf. [5131.5](#) - Vandalism, Theft and Graffiti)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.41](#) - Child Abuse Prevention)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [6142.1](#) - Family Life/Sex Education)

#### Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law, this policy, Administrative Regulation 5145.7, and the District's Uniform Complaint Procedures specified in BP and AR 1312.3. Principals and Site Designated Title IX Administrators are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under BP/AR 1312.3, and where to obtain a copy of the procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

The Site Designated Title IX Administrator shall promptly investigate any report of the sexual harassment of a student pursuant to the processes outlined in AR 5145.7. Upon verifying that sexual harassment occurred, they shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the District's Title IX Compliance Officer in accordance with the District's Uniform Complaint Procedures.

(cf. [1312.3](#) - Uniform Complaint Procedures)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to appropriate disciplinary and/or other corrective action or interventions. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account. Students in grades K-3 may not be suspended or recommended for expulsion pursuant to Education Code [48900.2](#), however appropriate restorative discipline and/or other corrective actions will be provided based upon the totality of the circumstances involved.

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

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

Upon investigation of a sexual harassment complaint, any employee who engages in, permits or fails to report sexual harassment or sexual violence toward any student shall be subject to appropriate disciplinary action up to and including dismissal in accordance with law and the applicable collective bargaining agreement. District personnel shall take immediate steps to intervene when safe to do so when she or he witnesses an act of discrimination, harassment, intimidation, retaliation, or bullying. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

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

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

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

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

(cf. [1312.3](#) - Uniform Complaint Procedures)

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

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

#### Record-Keeping

The District's Title IX Compliance Officer shall maintain a record of all reported cases of sexual harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in District schools.

(cf. [3580](#) - District Records)

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

212.5 Sexual harassment

212.6 Sexual harassment policy

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional

relationships 1714.1 Liability of parents/guardians for willful misconduct of minor

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

#### UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as

amended Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona R.-S. etc. v. Santa Rosa City Schools et al (N.D. Cal. 1995) 890 F.Supp. 1452

Patricia H. v. Berkeley Unified School District (N.D. Cal. 1993) 830 F.Supp. 1288

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

WEB SITES

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

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

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

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

revised: April 15, 2002

revised: October 18, 2018

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: May 6, 2002 Sacramento, California



**Regulation 4119.56: ^2024 Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

**Status:** ADOPTED

**Original Adopted Date:** 10/22/2024 | **Last Reviewed Date:** 10/22/2024

Sacramento City USD  
Administrative Regulations  
Sex Discrimination Grievance Procedures

**AR 4119.56**  
Personnel

Title IX of the Education Amendments Act of 1972 ("Title IX"), and its implementing regulations found at 34 C.F.R. Part 106, prohibits the district from discriminating on the basis of sex, including sex-based harassment. The district has adopted the grievance procedures set forth in this administrative regulation ("AR") that provide for prompt and equitable resolution of complaints alleging any action prohibited by Title IX.

**Effective Date August 1, 2024**

All complaints by a current or former employee (or other individuals with an eligible employment relationship with the district) alleging one or more incidents of sex discrimination, including sex-based harassment, that took place before August 1, 2024, shall be processed in accordance with administrative regulations ("AR") 4119.11/4219.11/4319.11 entitled "Sexual Harassment"; AR 4119.12/4219.12/4319.12 entitled "2020 Title IX Complaint Procedures"; and/or AR 4030 entitled "Nondiscrimination in Employment" as determined by the district's Title IX Coordinator or designee.

All complaints by a current or former employee (or other individuals with an eligible employment relationship with the district) alleging one or more incidents of sex discrimination, including sex-based harassment, that took place on or after August 1, 2024, shall be processed in accordance with the grievance procedures contained in this AR.

**Definitions**

The following definitions, many of which are found in the 2024 Title IX Regulations at 34 C.F.R. §106.2, are utilized in this AR.

1. **"Consent"** is knowing, voluntary, clear permission by word or action to engage in sexual activity.
  - Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each Party to determine that the other has consented before engaging in the activity.
  - If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.
  - For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
  - Consent can also be withdrawn once given. The withdrawal must be reasonably and clearly communicated. If consent is withdrawn, the sexual activity must stop within a reasonable time.
  - Consent to some sexual contact (such as kissing or fondling) does not imply there is consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.
  - Proof of consent or non-consent is not a burden placed on either Party involved in an incident. Instead, the burden remains on the district to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable individual in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
2. **"Complainant"** is an individual who is alleged to have been subject to conduct that could constitute sex discrimination under Title IX at a time when the individual was participating in, or attempting to participate in, a district educational program or activity.
3. **"Complaint"** means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX.
4. **"Decision-maker"** is the individual who makes the determination of responsibility.
5. **"Disciplinary sanctions"** means consequences imposed on a respondent following a determination under Title IX that the respondent violated the district's prohibition on sex discrimination.
6. **"Grievance Procedures"** is inclusive of the formal investigation procedures and the informal resolution process set forth in this AR.
7. **"Investigator"** is the individual who investigates the allegations, through interviews and review of evidence.
8. **"Party"** means a complainant or respondent.
9. **"Pregnancy or Related Conditions"** means pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom.
10. **"Relevant"** means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant

when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decision-maker in determining whether the alleged sex discrimination occurred.

11. **"Remedies"** means measures provided, as appropriate, to a complainant or any other individual the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that individual's access to the district's education program or activity after a recipient determines that sex discrimination occurred.
12. **"Respondent"** means an individual who is alleged to have engaged in conduct that could constitute sex discrimination.
13. **"Retaliation"** means intimidation, threats, coercion, or discrimination against any individual authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and this regulation.
14. **"Sex-based harassment"** is a form, or subset, of sex discrimination. It includes conduct related to sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that takes the form of one or more of the following:
  - (1) *Quid pro quo harassment.* An employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
  - (2) *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    - The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
    - The type, frequency, and duration of the conduct;
    - The Parties' ages, roles within the district's education program or activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
    - The location of the conduct and the context in which the conduct occurred; and
    - Other sex-based harassment in the district's education program or activity; or
  - (3) *Specific offenses.*
    - *Sexual assault.* Sexual assault is any sexual act directed at a complainant without their consent, or instances in which the complainant is incapable of giving consent. Sexual assault includes:
      - *Rape.* The carnal knowledge of a complainant, or penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, without their consent, including instances where they are incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
      - *Sodomy.* The oral or anal sexual intercourse with a complainant, forcibly, and/or against their will (non-consensually), or not forcibly or against their will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
      - *Sexual assault with an object.* The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of the complainant, forcibly, and/or against their will (non-consensually), or not forcibly or against their will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
      - *Fondling.* The touching of the private body part(s) (buttocks, groin, breasts), of the complainant, causing another individual to touch the private body part(s) of complainant, or causing complainant to touch another individual's private body part(s), for the purpose of sexual gratification, forcibly, and/or against their will (non-consensually), or not forcibly or against their will in instances in which the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
      - *Incest.* Non-forcible sexual intercourse, between individuals who are related to each other, within the degrees wherein marriage is prohibited by California law.
      - *Statutory Rape.* Non-forcible sexual intercourse, with an individual who is under the statutory age of consent (18 years of age in California).
    - *Dating violence.* Violence committed (a) by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the individuals involved in the relationship.
    - *Domestic violence.* Felony or misdemeanor crimes committed by an individual who (a) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or an individual similarly situated to a spouse of the victim; (b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (c) shares a child in common with the victim; or (d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
    - *Stalking.* Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to (a) fear for the individual's safety or the safety of others or (b) suffer substantial emotional distress.
15. **"Supportive measures"** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) Restore or preserve that Party's access to the district's education program or activity, including measures that are designed to protect the safety of the Parties or the district's educational environment; or (2) Provide support during the district's investigation process or during an informal resolution process.

The district will treat complainants and respondents equitably.

The district requires that any Title IX Coordinator or designee, investigator, decision-maker, appeal officer, or informal resolution officer not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. These individuals must be trained. As long as there is no conflict of interest, a decision-maker may be the same individual as the Title IX Coordinator and investigator. (34 C.F.R. §106.8(d).)

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless and until there is a determination at the conclusion of the investigation process that the respondent engaged in prohibited sex discrimination or unless agreed to through the informal resolution process.

The district will take reasonable steps to protect the privacy of the Parties and witnesses during the investigation process and/or the informal resolution process. These steps will not restrict the ability of the Parties to obtain and present evidence. The Parties cannot engage in retaliation, including against witnesses.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on an individual's status as a complainant, respondent, or witness.

If the respondent is a student with a disability, the district will require the Title IX Coordinator or designee to consult with one or more members, as appropriate, of the student's IEP or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

### **Reporting Sex Discrimination**

Anyone who has knowledge of conduct that may constitute sex discrimination is encouraged to report it to the Title IX Coordinator or designee as soon as practically possible.

Employees who have knowledge of conduct that may constitute sex discrimination must report it to the Title IX Coordinator or designee within one (1) business day. An employee may be subject to discipline for failure to timely report incident(s) of sex discrimination, including sex-based harassment.

### **Filing a Complaint of Sex Discrimination**

A complaint of sex discrimination, including sex-based harassment, may be submitted directly to the Title IX Coordinator or designee. The following is contact information for the district's Title IX Coordinator(s):

Melinda Iremonger  
Title IX Coordinator (Personnel Involved)  
5735 47<sup>th</sup> Avenue  
Sacramento, CA 95824  
(916) 643-7446

David Van Natten  
Title IX Coordinator (Student on Student)  
5735 47<sup>th</sup> Avenue  
Sacramento, CA 95824  
(916) 643-7420

Complaints containing allegations of sex discrimination, including sex-based harassment, may be submitted verbally or in writing.

Complaints of sex-based harassment may only be filed by:

- A complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Title IX Coordinator or designee.

Complaints of sex discrimination may be filed by:

- A complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- Any current district student or employee;
- An individual, other than a current district student or employee, who is alleged to have been subject to conduct that would constitute sex discrimination under Title IX during their participation, or attempt to participate, in the district's education program or activity; or
- The district's Title IX Coordinator or designee.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one Party against another Party, when the allegations of sex discrimination arise out of the same facts or circumstances.

If the complainant withdraws any or all the allegations in a complaint, or requests the district not process a complaint, the Title IX Coordinator or designee must determine whether to initiate a complaint of sex discrimination. (34 C.F.R. § 106.44 (f).)

Where the Title IX Coordinator or designee is determining whether to initiate a complaint, the Title IX Coordinator or designee shall consider the following:

- The complainant's request not to proceed with initiation of a complaint;
- The complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated;

- The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the district;
- The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or, sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals;
- The availability of evidence to assist a decision maker in determining whether sex discrimination, including sex-based harassment occurred; and
- Whether the district could end the alleged sex discrimination, including sex-based harassment and prevent its recurrence without initiating grievance procedures.

There is no time limit to bringing forth a Title IX complaint to the district. However, if a respondent is no longer subject to the district's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited or impossible. The Title IX Coordinator or designee has the discretion whether to act on a complaint of sex discrimination that is significantly impacted by the passage of time including, but not limited to, the rescission or revision of this regulation. The Title IX Coordinator or designee may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Knowingly asserting false and/or malicious allegations, or knowingly providing false or malicious statements, is a serious offense and may be subject to appropriate disciplinary action. Allegations or information provided in good faith but ultimately determined to be erroneous or that do not result in a determination of a policy violation, will not trigger disciplinary action.

#### **Supportive Measures**

Upon learning of conduct that may constitute sex discrimination under Title IX, the Title IX Coordinator or designee shall promptly contact the complainant and the respondent to offer and coordinate supportive measures, as appropriate, to restore or preserve their access to the district's education program or activity and/or to support them during the district's formal investigation procedure or informal resolution process.

Supportive measures shall be nondisciplinary and nonpunitive. Supportive measures shall not unreasonably burden either Party. Supportive measures will be offered and implemented as reasonably available, with consideration for the Parties' wishes and without being charged a fee. Supportive measures will be offered even where a formal investigation procedure and/or informal resolution process is not applicable.

Supportive measures may include, but are not limited to (34 C.F.R. §§ 106.2, 106.44(g)):

- Counseling;
- Extensions of deadlines and other course-related or work-related adjustments;
- Campus escort services;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more Parties;
- Leaves of absence;
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
- Training and education programs related to sex-based harassment.

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 C.F.R. §106.44(g)(5).)

If a Party is not satisfied with the supportive measure offering, the Party is encouraged to work with the Title IX Coordinator or designee to modify an existing supportive measure or to request an additional supportive measure. A Party may also submit to the Title IX Coordinator a written challenge within two (2) business days that includes a request to modify or terminate a supportive measure. The challenge shall be reviewed by an impartial employee, who is not the Title IX Coordinator or designee, to determine whether the challenged supportive measure offering is consistent with the definition of supportive measures. (34 C.F.R. §106.44(g)(4).)

Upon the conclusion of any formal investigation procedure or informal resolution process, the district may continue with the supportive measures, or modify or terminate such measures, as appropriate.

#### **Emergency Removal of Respondent**

If the respondent is a district employee, the employee may be placed on administrative leave during the pendency of the Title IX grievance procedures. (34 C.F.R. §106.44.)

If the respondent is a district student, on an emergency basis only, the district may remove the student respondent from the district's education program or activity, provided that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other individuals arising from the allegations of sex discrimination justifies removal and provides the student with notice and an opportunity to challenge the decision immediately following the removal. Any challenge to an emergency removal must be submitted to the Title IX Coordinator or designee in writing within two (2) business days. This authority to remove a student respondent does not modify the student respondent's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 C.F.R. §106.44(h).)

#### **Informal Resolution Process**

In lieu of resolving a complaint through the formal investigation procedures, the district may offer the Parties the opportunity to participate in a confidential informal resolution process. The district may not offer an informal resolution process to resolve a complaint that includes allegations an employee engaged in sex-based harassment of a student, or when such a process would conflict with Federal, State, or local law. The district also has the discretion to not offer an informal resolution where it does not deem it appropriate under the circumstances, including but not limited to, where doing so would present a future risk of harm to others.

The informal resolution process is voluntary and must be consented to by the Parties. The district shall not require a Party to participate in the informal resolution process or to waive their right to receive a determination via the formal investigation procedure. (34 C.F.R. §106.44(k).)

Before engaging in an informal resolution process, the district must provide the Parties with written notice of the following (34 C.F.R. §106.44(k)(3)):

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume a formal investigation;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming a formal investigation arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties;
- What information the district will maintain; and
- Whether and how the district may disclose such information.

The informal resolution officer must not be the same individual as the investigator or the decision-maker. The informal resolution officer must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Informal resolution officers must be trained.

The purpose of the confidential informal resolution process is to reach a mutual written agreement between the Parties as to how to resolve the allegations at issue such that each Party is not limited or denied participation in or the benefit of the district's educational program or activity, including but not limited to corrective or remedial action. The informal resolution process may take the form of a restorative justice conversation, mediation, or other process as determined appropriate by the Title IX Coordinator or designee or the informal resolution officer.

When informal resolution is offered, the Title IX Coordinator or designee must still take appropriate, prompt, and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.

#### **Formal Investigation Procedure**

The following formal investigation procedures provide for adequate, reliable, and impartial investigations of complaints alleging sex discrimination under 2024 Title IX regulations.

The burden is on the district, not the Parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

#### **A. Notice of Complaint**

Upon initiation of the district's Title IX formal investigation procedure, the Title IX Coordinator or designee will notify the Parties, in writing, of the following:

- The district's Title IX investigation procedures and, if applicable, informal resolution process;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The Parties will be provided with a Report of Evidence that contains the relevant and permissible evidence, including summary of the Parties/witness interviews and documentary evidence.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice or that are included in a complaint that is consolidated, the Title IX Coordinator or designee shall notify the Parties of the additional allegations.

#### **B. Dismissal of Complaint**

The Title IX Coordinator or designee may dismiss a complaint of sex discrimination if:

- The Title IX Coordinator or designee is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and/or is not employed by the district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator or designee determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The Title IX Coordinator or designee determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator or designee will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Title IX Coordinator or designee will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator or designee will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The Title IX Coordinator or designee will notify the complainant that a dismissal may be appealed. If the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator or designee will also notify the respondent that the dismissal may be appealed.

All dismissal appeals must be filed in writing, and sent to the Title IX Coordinator or designee, within three (3) business days of the notification of the dismissal. The appeal must specify at least one of the following bases, and provide any reasons or supporting evidence for why the ground is met:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Failure to do so may result in the appeal being denied.

If the dismissal is appealed, Title IX Coordinator or designee will:

- Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Afford the non-appealing Party three (3) business days to provide a statement in support of or challenging the dismissal;
- Notify the Parties of the result of the appeal and the rationale for the result;
- Implement appeal procedures equally for the Parties;
- Ensure that the appeal officer did not take part in an investigation of the allegations or dismissal of the complaint; and
- Ensure that the appeal officer has been trained consistent with the Title IX regulation.

When a complaint is dismissed, Title IX Coordinator or designee will, at a minimum:

- Offer supportive measures to the Parties, as appropriate; and
- Take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the district's education program or activity.

### C. Applicable Timeframes and Extension for Good Cause

The following timeframes are applicable to the major stages of the formal investigation procedure:

- Within five (5) business days of receiving the complaint, the Title IX Coordinator or designee will determine whether to dismiss or process a Title IX complaint.
- Within sixty (60) business days of receiving the complaint, the Parties will be provided a report summarizing the evidence ("Report of Evidence").
- Within five (5) business days of receiving the Report of Evidence, the Parties may submit to the investigator a written response to the Report of Evidence.
- Within thirty (30) business days of sending the Parties the Report of Evidence, a written determination will be issued to the Parties.
- The Parties will have five (5) business days from the date of the written determination to submit an appeal.

The Title IX Coordinator or designee may reasonably extend the above timeframes for good cause. The Parties will be provided with written notice of the delay, which will include the reason(s) for the delay.

### D. Roles

The district has the discretion to determine who fills what roles during a formal investigation. Factors to be considered when determining who fills what role include, but are not limited to:

- The nature and complexity of allegations,
- The age and mental capacity of the Parties,
- Potential conflicts of interest,
- The amount and type of evidence, and
- Availability of district staff and resources.

For purposes of this AR, the district may utilize one of the following investigation models:

1. The Title IX Coordinator or designee will not be the same individual as the investigator but will be the decision-maker.
2. The Title IX Coordinator or designee will not be the same individual as the investigator or the decision-maker. The investigator will not be the same individual as the decision-maker.

### E. Collection and Exchange of Evidence

During the investigation process, the Parties will have equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible.

The investigator will interview the Parties and all other individuals who may have information related to the allegations. The investigator will also gather evidence. Once collected, the investigator will determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the individual to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless that Party's or witness's voluntary, written consent for use in the investigation process is obtained; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself

demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The Parties will be provided with a Report of Evidence that contains the relevant and permissible evidence, including summaries of Party and witness interviews, and documentary evidence. The Parties will have five (5) business days to review and provide a written response to the Report of Evidence.

The Parties shall not disclose information and evidence obtained solely through the investigation process, and the district will take reasonable steps to prevent and address any such unauthorized disclosure. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the

allegations of sex discrimination are authorized.

#### **F. Written Determination**

If the investigator is distinct from the decision-maker:

- The investigator will send the Report of Evidence to the decision-maker, which may or may not include a recommended determination, and
- The decision-maker may question Parties and witnesses to adequately assess credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The decision-maker may either ask the questions directly of the Party or witness, request the investigator ask the questions, or consult with the investigator regarding the questions.

Following an investigation the decision-maker will:

- Evaluate all relevant and not otherwise impermissible evidence;
- Not base their credibility determination on an individual's status as a complainant, respondent, or witness; and
- Use the "preponderance of the evidence" standard to determine whether the allegations of sex discrimination are sustained.

The "preponderance of the evidence" standard of proof requires the evidence to show that it is more likely than not that the alleged conduct occurred. If the decision-maker is not persuaded under the "preponderance of evidence" standard that the alleged conduct more likely than not occurred, then the decision-maker will not sustain the alleged conduct.

The decision-maker will notify the Parties in writing of the determination whether sex discrimination occurred under Title IX, including the rationale for such determination and the procedures and permissible bases for appeal.

#### **G. Appeal of Written Determination**

Either Party may appeal the written determination. An appeal must be filed in writing within five (5) business days of the date of the written determination. Appeals submitted after this deadline are not timely and shall not be considered. The appeal must specify at least one of the grounds below and provide any reasons or supporting evidence for why the ground is met, otherwise the appeal may be denied:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made;
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome; and
- The final determination by the decision-maker is substantially contrary to the weight of the evidence in the record.

The non-appealing Party shall be provided notice of the appeal and three (3) business days to submit a written response.

Appeal decisions are to be deferential to the original written determination, making changes to the written determination only when there is clear error. An appeal is not an opportunity for the appeal officer to substitute their judgment for that of the original decision-maker merely because they disagree with the written determination.

An appeal may be granted or denied. Appeals that are granted should be remanded (or partially remanded) to the original investigator and/or decision-maker with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original investigator and/or decision-maker or the Title IX Coordinator or designee (as in cases of conflict of interest or bias), the appeal officer may order a new investigation and/or a new determination with new investigator and/or decision-maker roles.

The appeal officer will provide the Parties with a written appeal determination within ten (10) business days of the appeal. Once an appeal is decided, the outcome is final and constitutes the final determination. If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the available appeal grounds.

#### **Corrective/Disciplinary Action**

The district shall not impose any disciplinary sanctions until a final written determination of responsibility has been made via the investigation procedures or an informal resolution process. (34 C.F.R. §106.45(h)(4).)

If the allegations of sex discrimination are sustained, the Title IX Coordinator or designee will:

- Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district's education program or activity limited or denied by the sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district's education program or activity.

For students in grades 4-12, discipline for sex-based harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault, sexual battery, committed an obscene act or engaged in habitual profanity or vulgarity at school or at a school activity off school grounds, the Superintendent or designee, or principal or designee, shall immediately suspend the student and shall recommend expulsion. (Ed. Code, §§ 48900.2, 48915.)

Other actions that may be taken with a student who is determined to be responsible for sex-based harassment include, but are not limited to:

- Transfer from a class or school as permitted by law,
- Parent/guardian conference,
- Education of the student regarding the impact of the conduct on others,
- Positive behavior support or counseling,

- Referral of the student to a student success team,
- Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law.

When an employee is determined to be responsible for sex-based harassment, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

#### Alternative Resources

Either Party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

#### Record-Keeping

The Superintendent or designee shall maintain, for a period of seven (7) years, the following (34 C.F.R. § 106.8):

1. A record of the informal resolution process or the formal investigation procedures, and the resulting outcome for all complaints of sex discrimination under Title IX;
2. A record of any actions, including supportive measures, taken in response to each notification the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX; and
3. All Title IX training materials. The district shall make such training materials available upon request for inspection by members of the public.

For complaints containing allegations of childhood sexual assault, the Superintendent or designee shall also maintain, indefinitely, the following (Cal. Civ. Proc., § 340.1):

1. A record of the allegation(s);
2. A record of the investigation procedures followed;
3. A record of the written determination;
4. A record of the corrective action implemented, if any;
5. A record of any appeals and the outcome of the same; and
6. All training materials addressing the prohibition and investigation of childhood sexual assault.

#### 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 4600-4670	<a href="#">Uniform complaint procedures</a>
5 CCR 4900-4965	<a href="#">Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance</a>
Civ. Code 1714.1	<a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a>
Civ. Code 51.9	<a href="#">Liability for sexual harassment; business, service and professional relationships</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination on the basis of sex</a>
Ed. Code 200-262.4	<a href="#">Prohibition of discrimination</a>
Ed. Code 48900	<a href="#">Grounds for suspension or expulsion</a>
Ed. Code 48900.2	<a href="#">Additional grounds for suspension or expulsion; sexual harassment</a>
Ed. Code 48985	<a href="#">Notices to parents in language other than English</a>
Gov. Code 12950.1	<a href="#">Sexual harassment training</a>
<b>Federal</b>	<b>Description</b>
20 USC 1092	<a href="#">Definition of sexual assault</a>
20 USC 1221	<a href="#">Application of laws</a>
20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
20 USC 1681-1688	<a href="#">Title IX of the Education Amendments of 1972; discrimination based on sex</a>
34 CFR 106.1-106.82	<a href="#">Nondiscrimination on the basis of sex in education programs</a>
34 CFR 99.1-99.67	<a href="#">Family Educational Rights and Privacy</a>
34 USC 12291	<a href="#">Definition of dating violence, domestic violence, and stalking</a>
42 USC 1983	<a href="#">Civil action for deprivation of rights</a>
42 USC 2000d-2000d-7	<a href="#">Title VI, Civil Rights Act of 1964</a>
42 USC 2000e-2000e-17	<a href="#">Title VII, Civil Rights Act of 1964, as amended</a>



**Management Resources**

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

Federal Bureau of Investigation

Federal Register

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

Website

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Website

Website

Cross References

**Code**

0410

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4119.11

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**Description**

[Davis v. Monroe County Board of Education \(1999\) 526 U.S. 629](#)

[Doe v. Petaluma City School District \(1995, 9th Cir.\) 54 F.3d 1447](#)

[Gebser v. Lago Vista Independent School District \(1998\) 524 U.S. 274](#)

[Ona by Kate S. v. McCaffrey \(1998, 9th Cir.\) 143 F.3d 473](#)

[Reese v. Jefferson School District \(2001, 9th Cir.\) 208 F.3d 736](#)

[Donovan v. Poway Unified School District \(2008\) 167 Cal.App.4th 567](#)

[Flores v. Morgan Hill Unified School District \(2003, 9th Cir.\) 324 F.3d 1130](#)

[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)

[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)

[Nondiscrimination on the Basis of Sex in Education Programs or Activities](#)

[Uniform Crime Reporting Program](#)

[National Incident-Based Reporting System](#)

[Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)

[Sexual Harassment: It's Not Academic, September 2008](#)

[Q&A on Campus Sexual Misconduct, September 2017](#)

[Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001](#)

[Dear Colleague Letter: Title IX Coordinators, April 2015](#)

[Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016](#)

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

**Description**

[Nondiscrimination In District Programs And Activities](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Civility](#)

[Summer Meal Program](#)

[District Records](#)

[District Records](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Sexual Harassment](#)

[Sexual Harassment](#)

[Staff Development](#)

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[Sex Discrimination and Sex-Based Harassment](#)

[Sex Discrimination and Sex-Based Harassment](#)

[Sex Discrimination and Sex-Based Harassment](#)

[Sex Discrimination and Sex-Based Harassment](#)

[Student Wellness](#)

[Child Abuse Prevention And Reporting](#)

[Child Abuse Prevention And Reporting](#)

[Suicide Prevention](#)

[Suicide Prevention](#)

[Discipline](#)

[Discipline](#)

[Suspension And Expulsion/Due Process](#)

5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.9	<a href="#">Hate-Motivated Behavior</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6145	<a href="#">Extracurricular And Cocurricular Activities</a>
6159	<a href="#">Individualized Education Program</a>
6159	<a href="#">Individualized Education Program</a>
6164.5	<a href="#">Student Success Teams</a>
6164.5	<a href="#">Student Success Teams</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>

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Adopted Date: 10/22/2024

Status: Adopted

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**Policy 4119.24: Maintaining Appropriate Adult-Student Interactions**

**Status:** ADOPTED

**Original Adopted Date:** 11/04/2021 | **Last Reviewed Date:** 11/04/2021

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

All adults with whom students may interact at school or in school-related activities are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

All adults with whom students may interact at school or in school-related activities who observes or has knowledge of another adult's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall take necessary steps to protect anyone who reports a violation from retaliation from individuals who are within the control of the district. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred

from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

In addition to being provided to district employee's, the district's applicable professional standards and/or employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

**Inappropriate Conduct**

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Employee conduct that may undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others for reasons other than those related to legitimate educational purposes, such as tutoring
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent outside of a district-sponsored program or activity
4. Personally contacting a student without any legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner that would make a reasonable student feel uncomfortable and/or that would not be welcomed by a reasonable student
9. Socializing or spending time with students outside of school-sponsored events, without invitation from the student's parent/guardian and except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students that have no legitimate educational purposes

The aforementioned examples do not include professional adult conduct necessary in an emergency or legitimately sought to serve students' interests related to instruction, counseling, student health, or student or staff safety or professional adult conduct that a reasonable person would consider appropriate in light of students' age and personal circumstances.

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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 References**

	<b>Description</b>
5 CCR 80303	<a href="#">Reports of change in employment status: alleged misconduct</a>
5 CCR 80304	<a href="#">Notice of sexual misconduct</a>
Ed. Code 44030.5	<a href="#">Reporting change in employment status due to alleged misconduct</a>
Ed. Code 44050	<a href="#">Employee code of conduct; interaction with students</a>
Ed. Code 44242.5	<a href="#">Reports and review of alleged misconduct</a>
Ed. Code 44940	<a href="#">Compulsory leave of absence for certificated persons</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Pen. Code 11164-11174.3	<a href="#">Child Abuse and Neglect Reporting Act</a>

**Management Resources References**

	<b>Description</b>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

**Cross References**

	<b>Description</b>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>