

NONDISCRIMINATION IN EMPLOYMENT

The Board of Trustees is determined to provide a safe, positive environment where all District employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, *employees* include job applicants, interns, volunteers, and persons who contracted with the District to provide services, as applicable

~~(cf. 1240—Volunteer Assistance)~~

~~(cf. 3312—Contracts)~~

~~(cf. 3600—Consultants)~~

~~(cf. 4111/4211/4311—Recruitment and Selection)~~

No District employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical conditions, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

~~(cf. 0410—Nondiscrimination in District Programs and Activities)~~

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The District shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the District is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment

NONDISCRIMINATION IN EMPLOYMENT (continued)

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

~~(cf. 4033—Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the District's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

~~(cf. 4119.22/4219.22/4319.22—Dress and Grooming)~~

c. Requiring medical or psychological examination of a job applicant, or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

~~(cf. 4119.41/4219.41/4319.41—Employees with Infectious Disease)~~

d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

d.e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

~~(cf. 4032—Reasonable Accommodation)~~

The Board also prohibits retaliation against any District employee who opposes any discriminatory employment practice by the District or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the District's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign release of the employee's claim or right to file a claim against the District or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other

NONDISCRIMINATION IN EMPLOYMENT (continued)

unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated District coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

The Superintendent or designee shall use all appropriate means to reinforce the District's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other prohibited conduct, how to respond appropriately, and components of the District's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the District's employment practices and, as necessary, shall take action to ensure District compliance with the nondiscrimination laws.

Any District employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

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

The District shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the District is notified that a complaint has been filed with the California **Civil Rights** Department of Fair Employment and Housing, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Legal Reference: (see next page)

NONDISCRIMINATION IN EMPLOYMENT (continued)*Legal Reference:*EDUCATION CODE*200-262.4 Prohibition of discrimination*CIVIL CODE*51.7 Freedom from violence or intimidation*GOVERNMENT CODE*11135 Unlawful discrimination**11138 Rules and regulations**12900-12996 Fair Employment and Housing Act, especially:**12940-12952 Unlawful employment practices**12960-12976 Unlawful employment practices; complaints*PENAL CODE*422.56 Definitions, hate crimes*CODE OF REGULATIONS, TITLE 2*11006-11086 Discrimination in employment, especially:**11013 Recordkeeping**11019 Terms, conditions and privileges of employment**11023 Harassment and discrimination prevention and correction**11024 Sexual harassment training and education**11027-11028 National origin and ancestry discrimination*CODE OF REGULATIONS, TITLE 5*4900-4965 Nondiscrimination in elementary and secondary education programs*UNITED STATES CODE, TITLE 20*1681-1688 Title IX of the Education Amendments of 1972*UNITED STATES CODE, TITLE 29*621-634 Age Discrimination in Employment Act**794 Section 504 of the Rehabilitation Act of 1973*UNITED STATES CODE, TITLE 42*2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended**2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended**2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008**2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964**6101-6107 Age discrimination in federally assisted programs**12101-12213 Americans with Disabilities Act*CODE OF FEDERAL REGULATIONS, TITLE 28*35.101-35.190 Americans with Disabilities Act*CODE OF FEDERAL REGULATIONS, TITLE 34*100.6 Compliance information**104.7 Designation of responsible employee for Section 504**104.8 Notice**106.8 Designation of responsible employee and adoption of grievance procedures**106.9 Dissemination of policy**110.1-110.39 Nondiscrimination on the basis of age*COURT DECISIONS*Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863**Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837**Management Resources: (see next page)*

NONDISCRIMINATION IN EMPLOYMENT (continued)*Management Resources:**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS**California Law Prohibits Workplace Discrimination and Harassment**Transgender Rights in the Workplace**Workplace Harassment Guide for California Employers**Your Rights and Obligations as a Pregnant Employee**U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS**Notice of Non-Discrimination, August 2010**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**EEOC Compliance Manual**Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999**WEB SITES**California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>**U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>**U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>***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.

State2 CCR 11006-110862 CCR 110232 CCR 110242 CCR 11027-110285 CCR 4900-4965CA Constitution Article 1, Section 1Civ. Code 51.7Ed. Code 200-262.4Gov. Code 11135Gov. Code 12900-12996Gov. Code 12940-12956Gov. Code 12960-12976Pen. Code 422.56**Description**Discrimination in employmentHarassment and discrimination prevention and correctionRequired training and education in harassment based on sexNational origin and ancestry discriminationNondiscrimination in elementary and secondary educational programs receiving state or federal financial assistanceInalienable rightsFreedom from violence or intimidationProhibition of discriminationProhibition of discriminationFair Employment and Housing ActUnlawful employment practicesUnlawful employment practices; complaintsDefinitions; hate crimes**Federal**20 USC 1681-168828 CFR 35.101-35.19029 USC 621-63429 USC 794**Description**Time IX of the Education Amendments of 1972; discrimination based on sexAmericans with Disabilities ActAge Discrimination in Employment ActRehabilitation Act of 1973; Section 504

NONDISCRIMINATION IN EMPLOYMENT (continued)

Federal (continued)

<u>Federal</u>	<u>Description</u>
<u>34 CFR 100.6</u>	<u>Title VI; Compliance information</u>
<u>34 CFR 104.7</u>	<u>Section 504; Designation of responsible employee and adoption of grievances procedures</u>
<u>34 CFR 104.8</u>	<u>Notice of Nondiscrimination on the Basis of Handicap</u>
<u>34 CFR 106.8</u>	<u>Designation of coordinator; dissemination of policy, and adoption of grievance procedures</u>
<u>34 CFR 110.1-110.39</u>	<u>Nondiscrimination on the basis of age</u>
<u>42 USC 12101-12213</u>	<u>Americans with Disabilities Act</u>
<u>42 USC 2000d-2000d-7</u>	<u>Title VI, Civil Rights Act of 1967</u>
<u>42 USC 2000e-2000e-17</u>	<u>Title VII, Civil Rights Act of 1967, as amended</u>
<u>42 USC 2000h-2-2000h-6</u>	<u>Title IX of the Civil Rights Act of 1964</u>
<u>42 USC 6101-6107</u>	<u>Discrimination in federally assisted programs</u>
<u>Executive Order 11246</u>	<u>“Know Your Rights: Workplace Discrimination is Illegal” poster</u>
<u>U.S Constitution</u>	<u>Amendment 1, Free exercise, free speech, and establishment clauses</u>
<u>Management Resources</u>	<u>Description</u>
<u>Civil Rights Department</u>	<u>California Law Prohibits Workplace Discrimination and Harassment</u>
<u>Civil Rights Department</u>	<u>The Rights of Employees Who Are Transgender or Gender Nonconforming</u>
<u>Civil Rights Department</u>	<u>Harassment Prevention Guide for California Employers</u>
<u>Civil Rights Department</u>	<u>Your Rights and Obligations as a Pregnant Employee</u>
<u>CA Civil Rights Department Publication</u>	<u>Family Care and Medical Leave and Pregnancy Disability Leave</u>
<u>Court Decision</u>	<u>Kennedy v. Bremerton (2022) 142 S.Ct.2407</u>
<u>Court Decision</u>	<u>Shephard v. Loyola Marymount (2002) 102 Cal.App. 4th 837</u>
<u>Court Decision</u>	<u>Thomson v. North American Stainless LP (2011) 62 U.S 170</u>
<u>U.S DOE Office for Civil Rights Publication</u>	<u>Notice of Non-Discrimination, August 2010</u>
<u>U.S Equal Employment Opportunity Comm Publication</u>	<u>Enforcement Guidance; Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999</u>
<u>U.S Equal Employment Opportunity Comm Publication</u>	<u>EEOC Compliance Manual</u>
<u>U.S Equal Employment Opportunity Comm Publication</u>	<u>Know your Rights: Workplace Discrimination is Illegal, 2022</u>

NONDISCRIMINATION IN EMPLOYMENT (continued)

Management Resources (continued)

<u>Management Resources</u>	<u>Description</u>
<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>California Civil Rights Department</u>
<u>Website</u>	<u>U.S Department of Education, Office for Civil Rights</u>
<u>Website</u>	<u>U.S Department of Labor, Office of Federal Contract Compliance Program</u>
<u>Website</u>	<u>U.S Equal Employment Opportunity Commission</u>
<u>Website</u>	<u>CSBA</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>0410</u>	<u>Nondiscrimination in District Programs and Activities</u>
<u>0470</u>	<u>COVID-19 Mitigation Plan</u>
<u>1113</u>	<u>District and School Web Sites</u>
<u>1113</u>	<u>District and School Web Sites</u>
<u>1113-E(1)</u>	<u>District and School Web Sites</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1240</u>	<u>Volunteer Assistance</u>
<u>1240</u>	<u>Volunteer Assistance</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>1313</u>	<u>Civility</u>
<u>3312</u>	<u>Contracts</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>3600</u>	<u>Consultants</u>
<u>4000</u>	<u>Concepts and Roles</u>

NONDISCRIMINATION IN EMPLOYMENT (continued)**Cross References (continued)**

<u>Code</u>	<u>Description</u>
<u>4032</u>	<u>Reasonable Accommodation</u>
<u>4033</u>	<u>Lactation Accommodation</u>
<u>4111</u>	<u>Recruitment and Selection</u>
<u>4111.2</u>	<u>Legal Status Requirement</u>
<u>4111.2</u>	<u>Legal Status Requirement</u>
<u>41112.4</u>	<u>Health Examinations</u>
<u>4112.41</u>	<u>Employee Drug Testing</u>
<u>4112.41</u>	<u>Employee Drug Testing</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.8</u>	<u>Employment of Relatives</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4114</u>	<u>Transfers</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.1</u>	<u>Civil And Legal Rights</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.22</u>	<u>Dress and Grooming</u>
<u>4119.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4119.41</u>	<u>Employees with Infectious Disease</u>
<u>4131</u>	<u>Staff Development</u>
<u>4144</u>	<u>Complaints</u>
<u>4144</u>	<u>Complaints</u>
<u>4151</u>	<u>Employee Compensation</u>
<u>4154</u>	<u>Health and Welfare Benefits</u>
<u>4154</u>	<u>Health and Welfare Benefits</u>
<u>4161.5</u>	<u>Military Leave</u>
<u>4161.8</u>	<u>Family Care and Medical Leave</u>

NONDISCRIMINATION IN EMPLOYMENT (continued)**Cross References (continued)**

<u>Code</u>	<u>Description</u>
<u>4211</u>	<u>Recruitment and Selection</u>
<u>4211.2</u>	<u>Legal Status Requirement</u>
<u>4211.2</u>	<u>Legal Status Requirement</u>
<u>4212.4</u>	<u>Health Examinations</u>
<u>4212.41</u>	<u>Employee Drug Testing</u>
<u>4212.41</u>	<u>Employee Drug Testing</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.8</u>	<u>Employment of Relatives</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
<u>4219.1</u>	<u>Civil and Legal Rights</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.22</u>	<u>Dress and Grooming</u>
<u>4219.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4219.41</u>	<u>Employees with Infectious Disease</u>
<u>4231</u>	<u>Staff Development</u>
<u>4244</u>	<u>Complaints</u>
<u>4244</u>	<u>Complaints</u>
<u>4251</u>	<u>Employee Compensation</u>
<u>4254</u>	<u>Health and Welfare Benefits</u>
<u>4254</u>	<u>Health and Welfare Benefits</u>
<u>4261.5</u>	<u>Military Leave</u>
<u>4261.8</u>	<u>Family Care and Medical leave</u>
<u>4311</u>	<u>Recruitment and Selection</u>
<u>4311.2</u>	<u>Legal Status Requirement</u>

NONDISCRIMINATION IN EMPLOYMENT (continued)**Cross References (continued)**

<u>Code</u>	<u>Description</u>
<u>4311.2</u>	<u>Legal Status Requirement</u>
<u>4312.4</u>	<u>Health Examinations</u>
<u>4312.41</u>	<u>Employee Drug Testing</u>
<u>4312.41</u>	<u>Employee Drug Testing</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.8</u>	<u>Employment of Relatives</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4319.1</u>	<u>Civil and Legal Rights</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.22</u>	<u>Dress and Grooming</u>
<u>4319.23</u>	<u>Unauthorized Release of Confidential/Privileged Information</u>
<u>4319.41</u>	<u>Employees With Infectious Disease</u>
<u>4331</u>	<u>Staff Development</u>
<u>4344</u>	<u>Complaints</u>
<u>4344</u>	<u>Complaints</u>
<u>4351</u>	<u>Employee Compensation</u>
<u>4354</u>	<u>Health and Welfare Benefits</u>
<u>4354</u>	<u>Health and Welfare Benefits</u>
<u>4361.5</u>	<u>Military Leave</u>
<u>4361.8</u>	<u>Family Care and Medical Leave</u>
<u>9000</u>	<u>Role of the Board</u>
<u>9321</u>	<u>Closed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>

EMPLOYEE USE OF TECHNOLOGY

The Board of Trustees recognizes that technological resources enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting District and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)
(cf. 1100 - Communication with the Public)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Employees shall be responsible for the appropriate use of technology and shall use District technology primarily for purposes related to their employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 6163.4 - Student Use of Technology)

District technology includes, but is not limited to, computers, the District's computer network, including servers and wireless computer networking technology (~~wi-fi~~), the Internet, email, USB drives, wireless access points (~~routers~~), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or ~~off-site~~ ~~off-site~~ or through District-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of District technology. Upon employment and whenever significant changes are made to the District's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use District technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, Board policy, or administrative regulations.

EMPLOYEE USE OF TECHNOLOGY (continued)

Employee Use of Artificial Intelligence (AI)

The District recognizes that the use of AI can enhance student-learning experiences and be a resource for staff and teachers. The District authorizes the ethical and legal use of AI as a tool to support and expand classroom instruction, increase learning opportunities, and as a general tool for staff and teachers subject to limitations listed within this policy and any other applicable Board policies.

The District may consider whether the adoption of a particular AI tool may have a significant impact on the terms and conditions of employment for its staff, such that the District may be obligated to negotiate the effects with a collective bargaining unit.

The District has developed the following guidelines and protocols for employee use of AI:

1. Before allowing students to use a specific AI platform in the classroom and before using an AI tool as a resource, employees should ensure that the AI system has been vetted and approved by the District or otherwise meets the District's security standards.
2. When applicable, the District should attain parental consent before offering certain AI services to students.
3. Evaluation of an AI tool must include whether it is an open or closed environment for purposes of data collection, and whether it meets current student data privacy standards.
4. AI-generated content used as a teaching tool must be approved before making AI materials available to students. Teachers must confirm information is equitable and whether any inherent bias can be minimized or eliminated, and that safeguards are in place to confirm that accurate and factually correct information can be provided.
5. Teachers shall clarify whether students are prohibited from using AI on an assignment. Teachers shall guide and monitor student use of AI, ensuring that it aligns with the District's Student Acceptable Use guidelines and policies.
6. Employees must be cognizant of the information they are sharing with any AI environment and shall not share any confidential information or personally identifiable information of another student, employee, or other person. Personally identifiable information includes but is not limited to, a person's name, address, email address, telephone number, Social Security number, or other personally identifiable information. Confidential information includes but is not limited to, information in a student's education record, such as their grades and information pertaining to an Individualized Education Plan (IEP).

EMPLOYEE USE OF TECHNOLOGY (continued)

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is a matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

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

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the District, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of District technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct District business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of District technology to the Superintendent or designee.

Inappropriate use of District technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

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

Legal Reference: (see next page)

EMPLOYEE USE OF TECHNOLOGY (continued)

Legal Reference:

EDUCATION CODE

52295.10-52295.55 *Implementation of Enhancing Education Through Technology grant program*

GOVERNMENT CODE

3543.1 *Rights of employee organizations*

PENAL CODE

502 *Computer crimes, remedies*

632 *Eavesdropping on or recording confidential communications*

VEHICLE CODE

23123 *Wireless telephones in vehicles*

23123.5 *Mobile communication devices; text messaging while driving*

23125 *Wireless telephones in school buses*

UNITED STATES CODE, TITLE 20

6751-6777 *Enhancing Education Through Technology Act, Title II, Part D, especially:*

6777 *Internet safety*

UNITED STATES CODE, TITLE 47

254 *Universal service discounts (E-rate)*

CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 *Internet safety policy and technology protection measures, E-rate discounts*

COURT DECISIONS

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

Management Resources:

WEB SITES

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

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

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

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

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

CERTIFICATION

The Board of Trustees recognizes that the District's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and competency in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or District requirements for the position.

(cf. 4111/4211/4311—Recruitment and Selection)
(cf. 4112.21—Interns)
(cf. 4112.22—Staff Teaching English Language Learners)
(cf. 4112.23—Special Education Staff)
(cf. 4112.24—Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4112.5/4212.5/4312.5—Criminal Record Check)
(cf. 4113—Assignment)
(cf. 4121—Temporary/Substitute Personnel)
(cf. 5148—Child Care and Development)
(cf. 6178—Career Technical Education)
(cf. 6200—Adult Education)

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to help them meet the qualifications required for the clear credential.

(cf. 4131—Staff Development)
(cf. 4131.1—Teacher Support and Guidance)

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment or, when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, and the Board adopts a resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved ~~intern~~-internship program in the region of the District and possesses an intern credential
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is granted a provisional internship permit (PIP) or short-term staff permit issued by the CTC
3. The Board shall take action to approve, ~~as an action item~~ at an open Board meeting, a notice of its intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

CERTIFICATION (continued)

34. An individual who has been granted a credential waiver by ~~the~~CTC

~~Prior~~ Annually, the Board shall, prior to requesting that ~~the~~CTC issue an emergency permit or a limited assignment permit, ~~the Board shall annually~~ approve a Declaration of Need for Fully Qualified Educators. The Declaration of Need shall be approved by the Board as an action item at a regularly scheduled open Board meeting, with the entire Declaration of Need being included in the Board agenda. (Education Code 44225, 44225.7; 5 CCR 80023.2, 80026, 80027, 80027.1)

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the District's specified employment criteria for the position(s) and that the District has made reasonable efforts to recruit individuals who meet the qualifications specified in ~~items~~ Items #1-#2 above. The Declaration of Need shall also indicate the number and type of emergency permits and limited assigned permits that the District estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. It shall also specify each subject to be listed on the General Education Limited Assignment Single Subject Teaching Permits and the target language on Emergency Bilingual Permits. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Board shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ noncredentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

National Board for Professional Teaching Standards Certification

The Superintendent or designee shall promote a career continuum that includes participation of district teachers in professional learning that supports their completion of advanced certification awarded by the National Board for Professional Teaching Standards (NBPTS). The Superintendent or designee may coordinate a cohort of teachers through school or district programs or other available networks.

With Board approval and funding, and consistent with the collective bargaining agreement and applicable law, the Superintendent may provide an incentive program for teacher participation in the NBPTS certification, which may include:

1. Defraying, subsidizing, or reimbursing the registration, certification, or maintenance fees for NBPTS certification
2. Providing bonuses, step increases, or differential pay for teachers who maintain their certification and continue to teach in the district, with priority given to teachers at Title I schools and schools serving a majority of low-income students

CERTIFICATION (continued)

3. Providing substitute teachers to provide release time for participating teachers
4. Providing stipends for teacher participation that match other professional development stipends
5. Compensating mentor teachers who support other teachers' professional learning aligned to NBPTS standards

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of the teacher's certification

(cf. 5145.6—Parental Notifications)

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference: (see next page)

CERTIFICATION (continued)*Legal Reference:*EDUCATION CODE~~8360-8370 Qualifications of child care personnel~~~~32340-32341 Unlawful issuance of a credential~~~~35186 Complaints regarding teacher vacancy or misassignment~~~~44066 Limitations on certification requirements~~~~44200-44399.1 Teacher credentialing, especially:~~~~44250-44277 Credential types; minimum requirements~~~~44300-44302 Emergency permit~~~~44325-44328 District interns~~~~44330-44355 Certificates and credentials~~~~44420-44440 Revocation and suspension of credentials~~~~44450-44468 University intern program~~~~44830-44929 Employment of certificated persons; requirement of proficiency in basic skills~~~~56060-56063 Substitute teachers in special education~~CODE OF REGULATIONS, TITLE 5~~80001-80674.6 Commission on Teacher Credentialing~~UNITED STATES CODE, TITLE 20~~6312 Title I local educational agency plans; notifications regarding teacher qualifications~~CODE OF FEDERAL REGULATIONS, TITLE 34~~200.61 Parent notification regarding teacher qualifications~~COURT DECISIONS~~Association of Mexican American Educators et al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534~~*Management Resources:*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS~~CL-667 Basic Skills Requirement~~~~CL-856 Provisional Internship Permit~~~~CL-858 Short Term Staff Permit~~~~Credential Information Guide~~~~Approved Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching Permit for Statutory Leave (TPSL), Coded Correspondence 16-10, August 23, 2016~~~~Waiver Requests Guidebook, 2015~~~~13-01 Hiring Hierarchy in Education Code 44225.7, Coded Correspondence, January 30, 2013~~~~Subject Matter Authorization Guideline Book, 2012~~~~Supplementary Authorization Guideline Book, 2012~~~~California Standards for the Teaching Profession, 2009~~~~The Administrator's Assignment Manual, rev. September 2007~~NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS PUBLICATIONS~~Considerations for Using Federal Funds to Support National Board Certification, 2018~~WEB SITES~~CSBA: <http://www.csba.org>~~~~Commission on Teacher Credentialing: <http://www.etc.ca.gov>~~~~Commission on Teacher Credentialing, Credential Information Guide (for employers' use only): <http://www.etc.ca.gov/credentials/eig>~~~~National Board for Professional Teaching Standards: <http://www.nbpts.org>~~~~National Board Resource Center: nbealstrong.net~~~~U.S. Department of Education: <http://www.ed.gov>~~

CERTIFICATION (continued)**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.

State5 CCR 80694Ed. Code 32340-32341Ed. Code 35186Ed. Code 44066Ed. Code 44200-44418Ed. Code 44250-44277Ed. Code 44300-44302Ed. Code 44325-44328Ed. Code 44330-44355Ed. Code 44395Ed. Code 44420-44440Ed. Code 44450-44468Ed. Code 44830-44929Ed. Code 56060-56063Ed. Code 8295-8305**Federal**20 USC 631234 CFR 200.61**Management Resources**Commission on Teacher Credential
PublicationCommission on Teacher Credential
PublicationCommission on Teacher Credential
PublicationCommission on Teacher Credential
Publication**Description**Commission on Teacher CredentialingUnlawful issuance of a credentialComplaints regarding teacher vacancy or misassignmentLimitations on certification requirementsTeacher credentialingCredentials and assignment of teachersEmergency PermitDistrict internsCertificates and credentialsNational Board for Professional Teaching StandardsCertification Incentive ProgramRevocation and suspension of credentialsUniversity internship programEmployment of certificated persons; requirement of
proficiency in basic skillsSubstitute teachers in special educationChild development program; personnel qualifications**Description**Title I local educational agency plans; notifications regarding
teacher qualificationsParent notification regarding teacher qualifications**Description**Proposed Amendments to Title 5 of the California Code of
Regulations Pertaining to Subject Matter Competency,
Coded Correspondence 22-06, October 21, 2022Proposed Amendments and Additions to Title 5 of the
California Code of Regulations Pertaining to Subject Matter
Competence, Coded Correspondence 21-06, September 20,
2021Assembly Bill 320: Regional Accreditation for Coursework
and Degrees Used for Certification Purposes, Credential
Information Alert 22-02, March 1, 2022Waiver Requests Guidebook, 2015

Management Resources

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Court Decision

Nat'l Board for Prof. Teaching Stds.
Publication

Nat'l Board for Prof. Teaching Stds.
Publication

Website

Website

Website

Website

Website

Website

Website

Description

Hiring Hierarchy in Education Code 44225.7, Coded
Correspondence 13-01, January 30, 2013

Approved Addition and Amendments to Title 5 of the
California Code of Regulations Pertaining to Teaching
Permit for Statutory Leave (TPSL), Coded Correspondence
16-10, August 23, 2016

California Standards for the Teaching Profession (CSTP),
October 2009

CL-667 Basic Skills Requirement

CL-856 Provisional Internship Permit

CL-858 Short-Term Staff Permit

Subject Matter Authorization Guideline Book, December
2019

Supplementary Authorization Guideline Book, December
2019

Association of Mexican-American Educators (AMAE) et al.
v. State of California and the Commission on Teacher
Credentialing (2000) 231 F.3d 572

Using Federal Funds for National Board Activities: An
Action-Planning Guide

Considerations for Using Federal Funds to Support National
Board Certification

CSBA District and County Office of Education Legal
Services

California Department of Education, CA NBPTS
Certification Incentive Program

National Board Resource Center (<https://nbrc.stanford.edu/>)

National Board of Professional Teaching Standards

Office of Administrative Law (<https://oal.ca.gov/>)

CSBA

U.S. Department of Education

Cross References

Code

0460

1312.4

1312.4-E(1)

1312.4-E(2)

3580

Description

Local Control and Accountability Plan

Williams Uniform Complaint Procedures

Williams Uniform Complaint Procedures

Williams Uniform Complaint Procedures

District Records

BP 4112.2(g)

CERTIFICATION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4111</u>	<u>Recruitment And Selection</u>
<u>4112</u>	<u>Appointment And Conditions of Employment</u>
<u>4112.21</u>	<u>Interns</u>
<u>4112.22</u>	<u>Staff Teaching English Learners</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4113</u>	<u>Assignment</u>
<u>4114</u>	<u>Transfers</u>
<u>4117.14</u>	<u>Postretirement Employment</u>
<u>4117.3</u>	<u>Personnel Reduction</u>
<u>4119.21</u>	<u>Professional Standards</u>
<u>4119.21-E(1)</u>	<u>Professional Standards</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4131</u>	<u>Staff Development</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>
<u>4161.1</u>	<u>Personnel Illness/Injury Leave</u>
<u>4161.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4161.3</u>	<u>Professional Leaves</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4211</u>	<u>Recruitment And Selection</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4219.21</u>	<u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
<u>4222</u>	<u>Teacher Aides/Paraprofessionals</u>
<u>4261.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4311</u>	<u>Recruitment And Selection</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4317.14</u>	<u>Postretirement Employment</u>
<u>4319.21</u>	<u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
<u>4361.1</u>	<u>Personnel Illness/Injury Leave</u>
<u>4361.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
<u>5145.6-E(1)</u>	<u>Parent/Guardian Notifications</u>

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>5148</u>	<u>Child Care And Development</u>
<u>6142.7</u>	<u>Physical Education And Activity</u>
<u>6146.1</u>	<u>High School Graduation Requirements</u>
<u>6146.2</u>	<u>Certificate of Proficiency/High School Equivalency</u>
<u>6146.2-E(1)</u>	<u>Certificate of Proficiency/High School Equivalency</u>
<u>6158</u>	<u>Independent Study</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6163.1</u>	<u>Library Media Centers</u>
<u>6164.2</u>	<u>Guidance/Counseling Services</u>
<u>6170.1</u>	<u>Transitional Kindergarten</u>
<u>6172</u>	<u>Gifted And Talented Student Program</u>
<u>6178</u>	<u>Career Technical Education</u>
<u>6178.1</u>	<u>Work-Based Learning</u>
<u>6183</u>	<u>Home And Hospital Instruction</u>
<u>6200</u>	<u>Adult Education</u>

Policy

adopted: ~~July 25, 2023~~ First Reading: July 23, 2024

BEAUMONT UNIFIED SCHOOL DISTRICT

Beaumont, California

CERTIFICATION

Verification of Credentials

The Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid certification document issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

~~(cf. 4112.21—Interns)~~

~~(cf. 4112.22—Staff Teaching English Language Learners)~~

~~(cf. 4112.23—Special Education Staff)~~

~~(cf. 4121—Temporary/Substitute Personnel)~~

~~(cf. 5148—Child Care and Development)~~

~~(cf. 6178—Career Technical Education)~~

~~(cf. 6200—Adult Education)~~

The Superintendent or designee shall verify that any person who is employed by the District while CTC is processing the application for certification possesses a temporary certificate based on a demonstration of basic skills and completion of a criminal background check. (Education Code 44332, 44332.5, 44332.6)

The Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

~~(cf. 3580—District Records)~~

~~(cf. 4112.6/4212.6/4312.6—Personnel Files)~~

Basic Skills Proficiency

The District shall not initially hire a person in a position requiring certification, on a permanent, temporary, or substitute basis, unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

A person may demonstrate basic skills proficiency in reading, writing, and mathematics by:

1. Passage of the California Basic Educational Skills Test (CBEST) (Education Code 44252.5)
2. Passage of the California Subject Examinations for Teachers: Multiple Subjects plus Writing Skills Examination
3. Passage of the California State University (CSU) Early Assessment Program or the CSU Placement Examinations (Education Code 44252)
4. Achieving a qualifying score on Scholastic Aptitude Test of the American College Test (Education Code 44252)

CERTIFICATION (continued)

5. Achieving a qualifying score on College Board Advanced Placement Examinations
6. Passage of basic skills examination from another state
7. Qualifying coursework (Education Code 44252)
8. Qualifying coursework and exams (Education Code 44252)

The District may hire a certificated employee who has not taken a test of basic skills proficiency if the employee has not yet been afforded the opportunity to take the test, provided that the employee takes the test at the earliest opportunity. The employee may remain employed by the District pending the receipt of the test results. (Education Code 44830)

An out-of-state prepared teacher shall meet the basic skills requirement within one year of being issued a California preliminary credential by CTC unless the teacher has completed a basic skills proficiency test in another state, passed a basic skills proficiency test developed and administered by the District, by cooperating districts or by the county office of education (COE), or is otherwise exempted by law. The District shall develop a basic skills proficiency test, which shall be at least equivalent to the District test required for high school graduation, for purposes of assessing out-of-state prepared teachers pending completion of the basic skills requirement. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

~~(cf. 6146.1—High School Graduation Requirements)~~

~~(cf. 6146.2—Certificate of Proficiency)~~

~~(cf. 6162.5—High School Exit Examination)~~

Any person holding or applying for a "designated subjects special subjects" credential which does not require possession of a bachelor's degree shall pass a District proficiency test in lieu of meeting the state basic skills proficiency requirement. (Education Code 44252, 44830)

The District may charge a fee to persons being tested to cover the costs of developing, administering, and grading the District proficiency test. (Education Code 44252, 44830)

Short-Term Staff Permit

The District may request that the CTC issue a short-term staff permit (STSP) to a qualified applicant whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to: (5 CCR 80021)

1. Enrollment adjustments requiring the addition of another teacher
2. Inability of the teacher of record to finish the school year due to approved leave or illness

CERTIFICATION (continued)

3. The applicant's need for additional time to complete preservice requirements for enrollment into an approved internship program
4. Inability of the applicant to enroll in an approved internship program due to timelines or lack of space in the program
5. Unavailability of a third-year extension of an internship program or the applicant's withdrawal from an internship program

The Superintendent or designee shall ensure that the applicant possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021 for the multiple subject, single subject, or education specialist STSP as appropriate. (5 CCR 80021)

When requesting issuance of an STSP, the Superintendent or designee shall submit to the CTC: (5 CCR 80021)

1. Verification that the District has conducted a local recruitment for the permit being requested
2. Verification that the District has provided the permit holder with orientation to the curriculum and to instruction and classroom management techniques and has assigned a mentor teacher for the term of the permit

~~(cf. 4131—Staff Development)~~

~~(cf. 4131.1—Teacher Support and Guidance)~~

3. Written justification for the permit signed by the Superintendent or designee

The holder of an STSP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021)

Provisional Internship Permit

Before requesting that CTC issue a provisional internship permit (PIP), the District shall conduct a diligent search for a suitable credentialed teacher or intern, including, but not limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media. (5 CCR 80021.1)

~~(cf. 4111/4211/4311—Recruitment and Selection)~~

CERTIFICATION (continued)

Whenever a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may request that CTC issue a PIP to an applicant who possesses a bachelor's or higher degree from a regionally accredited college or university, has met the basic skills proficiency requirement unless exempted by state law or regulations, and has satisfied the coursework/experience requirements specified in 5 CCR 80021.1 for the multiple subject, single subject, or education specialist PIP as appropriate. (5 CCR 80021.1)

When submitting the request for a PIP, the District shall provide verification of all of the following: (5 CCR 80021.1, 80026.5)

1. A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search.
2. Orientation, guidance, and assistance ~~shall~~ will be provided to the permit holder as specified in 5 CCR 80026.5.

The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The permit holder also shall receive guidance and assistance from an experienced educator who is a certificated District employee or a certificated retiree from a California District or COE and who has completed at least three years of full-time classroom teaching experience.

3. The District ~~shall~~ will assist the permit holder in developing a personalized plan through a District-selected assessment that would lead to subject-matter competence related to the permit.
4. The District shall ~~assist~~ will the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject-matter competence requirement related to the permit.
5. A notice of intent to employ the applicant in the identified position has been made public.

The District shall submit a copy of the agenda item presented at an open Board of Trustees meeting which ~~shall state~~ states the name of the applicant, the assignment in which the applicant will be employed including the name of the school, subject(s), and grade(s) that the applicant will be teaching, and that the applicant will be employed on the basis of a PIP. The District also shall submit a signed statement from the Superintendent or designee that the agenda item was acted upon favorably.

6. The candidate has been apprised of steps to earn a credential and enroll in an ~~intern~~ internship program.

CERTIFICATION (continued)

The holder of a PIP may be assigned to provide the same service as a holder of a multiple subject, single subject, or education specialist credential in accordance with the authorizations specified on the permit. (5 CCR 80021.1)

Teaching Permit for Statutory Leave

Whenever there is an anticipated need for the District to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, administrative leave related to dismissal and suspension proceedings, military leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, the Superintendent or designee may request that the CTC issue a Teaching Permit for Statutory Leave (TPSL) to a qualified individual who will be serving as the interim teacher of record. Prior to submitting an application to the CTC, the District shall provide the applicant with 45 hours of preparation in the content areas listed in 5 CCR 80022. (5 CCR 80022)

~~(cf. 4161.1—Personal Illness and Injury Leave)~~

~~(cf. 4161.11—Industrial Accident/Illness Leave)~~

~~(cf. 4161.8—Family Care and Medical Leave)~~

A request for the TPSL shall only be submitted if the District has made reasonable efforts to hire a substitute with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such candidate is available. (5 CCR 80022)

The District shall verify to CTC that it will provide the interim teacher: (5 CCR 80022)

1. An orientation to the assignment before or during the first month of service in the statutory leave assignment
2. An average of two hours of mentoring, support, and/or coaching per week through a system of support coordinated and/or provided by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
3. Lesson plans for the first four weeks of the assignment as well as continued assistance in the development of curriculum, lesson planning, and individualized education programs

The holder of the TPSL may serve as the interim teacher of record for up to the full length of the leave(s) during the school year. (5 CCR 80022)

The Superintendent or designee shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL to the County Superintendent of Schools for assignment monitoring pursuant to Education Code 44258.9. (5 CCR 80022)

~~(cf. 4113—Assignment)~~

CERTIFICATION (continued)

The Superintendent or designee may annually request renewal of the TPSL, provided that no substitute with a full teaching credential is available for the assignment. The application for each reissuance shall include verification that the interim teacher has completed an additional 45 hours of preparation and the District is continuing to provide mentoring in accordance with ~~items~~ Items #2-3 above. (5 CCR 80022)

Long-Term Emergency Permits

As necessary, the Superintendent or designee may request that CTC issue an Emergency Resource Specialist permit, Emergency Teacher Librarian services permit, Emergency Crosscultural Language and Academic Development permit (CLAD), or Emergency Bilingual Authorization permit. (5 CCR 80024.3.1, 80024.6, 80024.7, 80024.8)

The Superintendent or designee shall provide any first-time recipient of an emergency teaching permit with an orientation which, to the extent reasonably feasible, shall occur before beginning a teaching assignment. The Superintendent or designee may vary the nature, content, and duration of the orientation to match the amount of training and experience previously completed by the emergency permit teacher. The orientation shall include, but not be limited to, the curriculum the teacher is expected to teach and effective techniques of classroom instruction and classroom management at the assigned grade-level span. The emergency permit holder also shall receive guidance and assistance from an experienced educator who is a certificated District employee or a certificated retiree from a California District or COE and who has completed at least three years of full-time classroom teaching experience. (5 CCR 80026.5)

(cf. 4117.14/4317.14—Postretirement Employment)

Early Childhood Education Emergency Specialist Permit/Emergency Transitional Kindergarten Permit (ETK)

If, after conducting a diligent search, the District has been unable to recruit a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internship, District internship, or other alternative routes established by CTC, the Superintendent or designee may request CTC to issue a one-year early childhood education (ECE) emergency specialist permit that authorized the teacher to teach all subjects in a self-contained transitional kindergarten (TK) general education classroom. (Education Code 44300)

The request to CTC shall include the following justifications for the need for the ECE emergency specialist permit: (Education Code 44300)

1. Annual documentation that the District has adopted in policy and practice a process for conducting a diligent search as defined in Education Code 44300
2. A Declaration of Need for Fully Qualified Educators based on the documentation set forth in Item #1 and adopted by the Board at a regularly scheduled Board meeting

CERTIFICATION (continued)

3. Verification that the District will provide the required orientation, mentoring, and support
4. The Board's receipt, at a regularly scheduled Board meeting, of a report on the orientation, mentoring, and support described in Item #3

The District may request CTC to renew the ECE emergency specialist permit for one additional year provided the following occurs: (Education Code 44300)

1. The applicant verifies current enrollment in a commission-approved teacher preparation program that will result in a credential authorizing teaching TK
2. The District submits a Declaration of Need for Fully Qualified Educators in the same manner as described in Item #2, above
3. The District verifies that the applicant continues to successfully serve in the assignment on the basis of the ECE emergency specialist permit
4. The District verifies continued orientation, mentoring, and support, with reporting to the Board in the same manner as described in Item #3, above

Substitute Teaching Permits

The District may employ a person whose credential or permit authorizes substitute teaching services, provided that:

1. A person holding an emergency 30-day substitute teaching permit, STSP, PIP, TPSL, or any valid teaching or services credential that requires at least a bachelor's degree and completion of the CBEST, shall not serve as a substitute for more than 30 days for any one teacher during the school year or as a substitute in a special education classroom for more than 20 days for any one teacher during the school year. (5 CCR 80025, 80025.3, 80025.4)
2. A person with an emergency career substitute teaching permit shall not serve as a substitute for more than 60 days for any one teacher during the school year. (5 CCR 80025.1)
3. A person with an emergency substitute teaching permit for prospective teachers shall not serve as a substitute for more than 30 days for any one teacher during the school year and not more than 90 days total during the school year. (5 CCR 80025.2)
4. A person with an emergency designated subjects 30-day substitute teaching permit for career technical education shall teach only in a program of technical, trade, or vocational education and shall not serve as a substitute for more than 30 days for any one teacher during the school year. (5 CCR 80025.5)

CERTIFICATION (continued)

Before employing a person with an emergency substitute permit pursuant to ~~item~~Item #1 or #4 above, the Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person does not meet the District's specified employment criteria. (5 CCR 80025, 80025.5)

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

5 CCR 80694

Ed. Code 32340-32341

Ed. Code 35186

Ed. Code 44066

Ed. Code 44200-44418

Ed. Code 44250-44277

Ed. Code 44300-44302

Ed. Code 44325-44328

Ed. Code 44330-44355

Ed. Code 44395

Ed. Code 44420-44440

Ed. Code 44450-44468

Ed. Code 44830-44929

Ed. Code 56060-56063

Ed. Code 8295-8305

Federal

20 USC 6312

34 CFR 200.61

Management Resources

Commission on Teacher Credential
Publication

Commission on Teacher Credential
Publication

Description

Commission on Teacher Credentialing

Unlawful issuance of a credential

Complaints regarding teacher vacancy or misassignment

Limitations on certification requirements

Teacher credentialing

Credentials and assignment of teachers

Emergency Permit

District interns

Certificates and credentials

National Board for Professional Teaching Standards

Certification Incentive Program

Revocation and suspension of credentials

University internship program

Employment of certificated persons; requirement of
proficiency in basic skills

Substitute teachers in special education

Child development program; personnel qualifications

Description

Title I local educational agency plans; notifications regarding
teacher qualifications

Parent notification regarding teacher qualifications

Description

Proposed Amendments to Title 5 of the California Code of
Regulations Pertaining to Subject Matter Competency,
Coded Correspondence 22-06, October 21, 2022

Proposed Amendments and Additions to Title 5 of the
California Code of Regulations Pertaining to Subject Matter
Competence, Coded Correspondence 21-06, September 20,
2021

CERTIFICATION (continued)

Management Resources (continued)

Management Resources

Description

Commission on Teacher Credential
Publication

Assembly Bill 320: Regional Accreditation for Coursework
and Degrees Used for Certification Purposes, Credential
Information Alert 22-02, March 1, 2022

Commission on Teacher Credential
Publication

Waiver Requests Guidebook, 2015

Commission on Teacher Credential
Publication

Hiring Hierarchy in Education Code 44225.7, Coded
Correspondence 13-01, January 30, 2013

Commission on Teacher Credential
Publication

Approved Addition and Amendments to Title 5 of the
California Code of Regulations Pertaining to Teaching
Permit for Statutory Leave (TPSL), Coded Correspondence
16-10, August 23, 2016

Commission on Teacher Credential
Publication

California Standards for the Teaching Profession (CSTP),
October 2009

Commission on Teacher Credential
Publication

CL-667 Basic Skills Requirement

Commission on Teacher Credential
Publication

CL-856 Provisional Internship Permit

Commission on Teacher Credential
Publication

CL-858 Short-Term Staff Permit

Commission on Teacher Credential
Publication

Subject Matter Authorization Guideline Book, December
2019

Commission on Teacher Credential
Publication

Supplementary Authorization Guideline Book, December
2019

Court Decision

Association of Mexican-American Educators (AMAE) et al.
v. State of California and the Commission on Teacher
Credentialing (2000) 231 F.3d 572

Nat'l Board for Prof. Teaching Stds.
Publication

Using Federal Funds for National Board Activities: An
Action-Planning Guide

Nat'l Board for Prof. Teaching Stds.
Publication

Considerations for Using Federal Funds to Support National
Board Certification

Website

CSBA District and County Office of Education Legal
Services

Website

California Department of Education, CA NBPTS
Certification Incentive Program

Website

National Board Resource Center (<https://nbrc.stanford.edu/>)

Website

National Board of Professional Teaching Standards

Website

Office of Administrative Law (<https://oal.ca.gov/>)

Website

CSBA

Website

U.S. Department of Education

CERTIFICATION (continued)**Cross References**

<u>Code</u>	<u>Description</u>
<u>0460</u>	<u>Local Control and Accountability Plan</u>
<u>1312.4</u>	<u>Williams Uniform Complaint Procedures</u>
<u>1312.4-E(1)</u>	<u>Williams Uniform Complaint Procedures</u>
<u>1312.4-E(2)</u>	<u>Williams Uniform Complaint Procedures</u>
<u>3580</u>	<u>District Records</u>
<u>4111</u>	<u>Recruitment And Selection</u>
<u>4112</u>	<u>Appointment And Conditions of Employment</u>
<u>4112.21</u>	<u>Interns</u>
<u>4112.22</u>	<u>Staff Teaching English Learners</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4113</u>	<u>Assignment</u>
<u>4114</u>	<u>Transfers</u>
<u>4117.14</u>	<u>Postretirement Employment</u>
<u>4117.3</u>	<u>Personnel Reduction</u>
<u>4119.21</u>	<u>Professional Standards</u>
<u>4119.21-E(1)</u>	<u>Professional Standards</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4131</u>	<u>Staff Development</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>
<u>4161.1</u>	<u>Personnel Illness/Injury Leave</u>
<u>4161.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4161.3</u>	<u>Professional Leaves</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4211</u>	<u>Recruitment And Selection</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4219.21</u>	<u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
<u>4222</u>	<u>Teacher Aides/Paraprofessionals</u>
<u>4261.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4311</u>	<u>Recruitment And Selection</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4317.14</u>	<u>Postretirement Employment</u>
<u>4319.21</u>	<u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
<u>4361.1</u>	<u>Personnel Illness/Injury Leave</u>

CERTIFICATION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4361.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>
<u>5145.6</u>	<u>Parent/Guardian Notifications</u>
<u>5145.6-E(1)</u>	<u>Parent/Guardian Notifications</u>
<u>5148</u>	<u>Child Care And Development</u>
<u>6142.7</u>	<u>Physical Education And Activity</u>
<u>6146.1</u>	<u>High School Graduation Requirements</u>
<u>6146.2</u>	<u>Certificate of Proficiency/High School Equivalency</u>
<u>6146.2-E(1)</u>	<u>Certificate of Proficiency/High School Equivalency</u>
<u>6158</u>	<u>Independent Study</u>
<u>6162.51</u>	<u>State Academic Achievement Tests</u>
<u>6163.1</u>	<u>Library Media Centers</u>
<u>6164.2</u>	<u>Guidance/Counseling Services</u>
<u>6170.1</u>	<u>Transitional Kindergarten</u>
<u>6172</u>	<u>Gifted And Talented Student Program</u>
<u>6178</u>	<u>Career Technical Education</u>
<u>6178.1</u>	<u>Work-Based Learning</u>
<u>6183</u>	<u>Home And Hospital Instruction</u>
<u>6200</u>	<u>Adult Education</u>

All Personnel

AR 4112.5(a)
4212.5
4312.5

CRIMINAL RECORD CHECK

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment if solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. ~~The conviction for~~ Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor-
2. ~~A person convicted~~ Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon-
3. ~~A person who has been convicted~~ Convicted of a serious felony, that is not also a violent felony, ~~proves~~ and has proven to the sentencing court that ~~he/she has been rehabilitated~~ rehabilitation for purposes of school employment has been attained for at least one year-
4. ~~A person who has been convicted~~ Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing-
5. ~~A person who has been convicted~~ Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Board of Trustees, from the evidence presented, to have been rehabilitated for at least five years-

~~(cf. 4112 – Appointment and Conditions of Employment)
(cf. 4112.2 – Certification)
(cf. 4118 – Dismissal/Suspension/Disciplinary Action)
(cf. 4127/4227/4327 – Temporary Athletic Team Coaches)
(cf. 4218 – Dismissal/Suspension/Disciplinary Action)~~

A certificated employee may be hired by the District without obtaining a criminal record summary if that employee is employed as a certificated employee in another California school District and became a permanent employee of another California school District as of October 1, 1997. (Education Code 44830.1, 44836)

The Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 44332.6 or 44830.1. (Education Code 44332.5, 44332.6)

CRIMINAL RECORD CHECK (continued)

Pre-Employment Record Check

The Superintendent or designee shall require each person to be employed by the District to submit ~~his/her~~ fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). -The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation. (Education Code 45125)

The Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted ~~his/her~~ fingerprints to the DOJ is not subsequently employed by the District. (Penal Code 11105.2)

Subsequent Arrest Notification

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of ~~his/her~~ the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

(cf. 4116—Probationary/Permanent Status)

(cf. 4121—Temporary/Substitute Personnel)

When the District receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of ~~his/her~~ the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, the Superintendent or designee shall immediately reinstate ~~that~~ the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement if the employee is still employed by the District. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

CRIMINAL RECORD CHECK (continued)

Notification of Applicant/Employee

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

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

Maintenance of Records

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the District and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging his/her~~an~~ understanding of the laws prohibiting misuse of CORI. -In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. -CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

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

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

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

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

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)

CRIMINAL RECORD CHECK (continued)

Legal Reference:

EDUCATION CODE

~~44010 Sex offense~~

~~44011 Controlled substance offense~~

~~44332 44332.6 Temporary certificate of clearance~~

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

~~44830.1 Certificated employees, conviction of a violent or serious felony~~

~~44830.2 Certificated employees; interagency agreement for sharing criminal record information~~

~~44836 Conviction of a sex or controlled substance offense~~

~~44932 Grounds for dismissal of permanent certificated employees~~

~~45122.1 Classified employees, conviction of a violent or serious felony~~

~~45125 Use of personal identification cards to ascertain conviction of crime~~

~~45125.01 Classified employees; interagency agreement for sharing criminal record information~~

~~45125.5 Automated records check~~

~~45126 Duty of Department of Justice to furnish information~~

~~49024 Activity supervisor clearance certificates~~

PENAL CODE

~~667.5 Violent felonies~~

~~1192.7 Serious felonies~~

~~1203.4 Dismissal of conviction~~

~~11075 11081 Criminal record dissemination~~

~~11102.2 Maintenance of criminal offender records; custodian of records~~

~~11105 Access to criminal history information~~

~~11105.2 Subsequent arrest notification~~

~~11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors~~

~~11140 11144 Furnishing of state criminal history information~~

~~13300 13305 Local summary criminal history information~~

CODE OF REGULATIONS, TITLE 11

~~701 708 Criminal offender record information~~

~~720 724 Incomplete criminal history information~~

~~994 994.15 Certification of individuals who take fingerprint impressions~~

COURT DECISIONS

~~*Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145*~~

Management Resources:

WEB SITES

Office of the Attorney General, Department of Justice, Background Checks:

<http://www.oag.ca.gov/fingerprints>

CRIMINAL RECORD CHECK (continued)

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.

<u>State</u>	<u>Description</u>
<u>11 CCR 701-708</u>	<u>Criminal offender record information</u>
<u>11 CCR 720-724</u>	<u>Incomplete criminal history information</u>
<u>11 CCR 994-994.15</u>	<u>Certification of individuals who take fingerprint impressions</u>
<u>Ed. Code 44010</u>	<u>Sex offense; definitions</u>
<u>Ed. Code 44011</u>	<u>Controlled substance offense</u>
<u>Ed. Code 44332-44332.6</u>	<u>Temporary certificate of clearance</u>
<u>Ed. Code 44346.1</u>	<u>Applicants for credential; conviction of a violent or serious felony</u>
<u>Ed. Code 44830.1</u>	<u>Criminal record summary certificated employees</u>
<u>Ed. Code 44830.2</u>	<u>Certificated employees; interagency agreement for sharing criminal record information</u>
<u>Ed. Code 44836</u>	<u>Employment of certificated persons convicted of sex offense or controlled substance offense</u>
<u>Ed. Code 44932</u>	<u>Grounds for dismissal of permanent employees</u>
<u>Ed. Code 45122.1</u>	<u>Classified employees; conviction of a violent or serious felony</u>
<u>Ed. Code 45125</u>	<u>Use of personal identification cards to ascertain conviction of crime</u>
<u>Ed. Code 45125.01</u>	<u>Interagency agreements for criminal record information</u>
<u>Ed. Code 45125.5</u>	<u>Automated records check</u>
<u>Ed. Code 45126</u>	<u>Duty of Department of Justice to furnish information</u>
<u>Ed. Code 49024</u>	<u>Activity Supervisor Clearance Certificate</u>
<u>Gov. Code 12954</u>	<u>Employment discrimination; cannabis use</u>
<u>H&S Code 11350</u>	<u>Offenses Involving Controlled Substances Formerly Classified as Narcotics</u>
<u>H&S Code 11377</u>	<u>Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs</u>
<u>Pen. Code 11075-11081</u>	<u>Criminal record dissemination</u>
<u>Pen. Code 11102.2</u>	<u>Maintenance of criminal offender records; custodian of records</u>
<u>Pen. Code 11105</u>	<u>Access to criminal history information</u>
<u>Pen. Code 11105.2</u>	<u>Subsequent arrest notification</u>

AR 4112.5(f)
4212.5
4312.5

CRIMINAL RECORD CHECK (continued)

State (continued)

<u>Pen. Code 11105.3</u>	<u>Record of conviction involving sex crimes, drug crimes, or crimes of violence</u>
<u>Pen. Code 11140-11144</u>	<u>Furnishing of state criminal history information</u>
<u>Pen. Code 1192.7</u>	<u>Plea bargaining limitation</u>
<u>Pen. Code 1203.4</u>	<u>Dismissal of conviction</u>
<u>Pen. Code 1203.425</u>	<u>Conviction relief</u>
<u>Pen. Code 13300-13305</u>	<u>Local summary criminal history information</u>
<u>Pen. Code 667.5</u>	<u>Prior prison terms; enhancement of prison terms</u>

Management Resources

<u>Court Decision</u>	<u>Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145</u>
<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>Office of the Attorney General, Department of Justice, Background Checks</u>
<u>Website</u>	<u>CSBA</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>1240</u>	<u>Volunteer Assistance</u>
<u>1340</u>	<u>Access To District Records</u>
<u>2120</u>	<u>Superintendent Recruitment And Selection</u>
<u>3515.3</u>	<u>District Police/Security Department</u>
<u>3542</u>	<u>School Bus Drivers</u>
<u>3580</u>	<u>District Records</u>
<u>4112</u>	<u>Appointment And Conditions Of Employment</u>
<u>4112.2</u>	<u>Certification</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4127</u>	<u>Temporary Athletic Team Coaches</u>
<u>4200</u>	<u>Classified Personnel</u>
<u>4212</u>	<u>Appointment And Conditions Of Employment</u>
<u>4212.6</u>	<u>Personnel Files</u>

AR 4112.5(g)
4212.5
4312.5

CRIMINAL RECORD CHECK (continued)

Cross References (continued)

<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4227</u>	<u>Temporary Athletic Team Coaches</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4327</u>	<u>Temporary Athletic Team Coaches</u>
<u>5148</u>	<u>Child Care And Development</u>
<u>5148.2</u>	<u>Before/After School Programs</u>
<u>5148.3</u>	<u>Preschool/Early Childhood Education</u>
<u>6145</u>	<u>Extracurricular And Cocurricular Activities</u>
<u>9011</u>	<u>Disclosure Of Confidential/Privileged Information</u>

EMPLOYMENT STATUS REPORTS

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

2. Resigns

(cf. 4117.2/[4217.2](#)/[4317.2](#) - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.3 - Personnel Reduction)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

EMPLOYMENT STATUS REPORTS (continued)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to ~~the~~ CTC, using a form provided by ~~the~~ CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to ~~the~~ CTC. In addition, ~~he/she~~ the Superintendent or designee shall report to ~~the~~ CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from District service without the consent of the Superintendent or Board of Trustees. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify ~~the~~ CTC of any of the following:

1. A complaint filed with the District regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

(cf. 4119.24/4219.24/4319.24 – Maintaining Appropriate Adult-Student Interactions)

The notice to ~~the~~ CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the District regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the District level in response to the complaint of sexual misconduct

EMPLOYMENT STATUS REPORTS (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.7 - Sexual Harassment)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - Student Records)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes
44010 Sex offense, definitions
44011 Controlled substance offense, definitions
44030.5 Employment status reports
44225 Powers and duties of ~~the~~ CTC
44242.5 Reports and review of alleged misconduct
44420-44440 Adverse actions by CTC against credential holder
44932 Causes for dismissal
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence
44955-44958 Reduction in force

PENAL CODE

187 Murder

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013-2019

WEB SITES

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

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

Certificated Personnel DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

BP 4118(a)

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

~~(cf. 4000—Concepts and Roles)
(cf. 4112.5/4212.5/4312.5—Criminal Record Check)
(cf. 4119.21/4219.21/4319.21—Professional Standards)
(cf. 4141/4241—Collective Bargaining Agreement)~~

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

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

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

~~(cf. 4114—Transfers)~~

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

~~(cf. 1312.1—Complaints Concerning District Employees)
(cf. 4030—Nondiscrimination in Employment)
(cf. 4112.6/4212.6/4312.6—Personnel Files)
(cf. 4119.1/4219.1/4319.1—Civil and Legal Rights)
(cf. 4119.11/4219.11/4319.11—Sexual Harassment)~~

Suspension/Dismissal Procedures

The Superintendent or designee shall notify the Board whenever there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of

behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

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

~~(cf. 4112.9/4212.9/4312.9—Employee Notifications)~~

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

BP 4118(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

~~(cf. 4115—Evaluation/Supervision)~~

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

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

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

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude,

incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by District rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from assigned duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

Compulsory Leave of Absence

Upon being informed that a certificated employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44940, 44940.5) ~~When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the District and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)~~

Legal Reference:

EDUCATION CODE

~~44008 Effect of termination of probation~~

~~44009 Conviction of specified crimes~~

~~44010 Sex offense; definitions~~

~~44011 Controlled substance offense; definitions~~

~~44242.5 Reports and review of alleged misconduct~~

~~44425 Conviction of a sex or narcotic offense~~

~~44660-44665 Evaluation and assessment of performance of certificated employees~~

~~44830.1 Criminal record summary certificated employees~~

~~44929.21 Notice of reelection decision; districts with 250 ADA or more~~

~~44929.23 Reelection and dismissal of probationary employees; districts with ADA less than 250~~

~~44930-44988 Resignations, dismissal, and leave of absence~~

~~45055 Drawing of warrants for teachers~~

~~48907 Exercise of free speech, expression~~

~~48950 Speech and other communication~~

~~51530 Advocacy or teaching of communism~~

GOVERNMENT CODE

~~1028 Advocacy of communism~~

~~3543.2 Scope of representation~~

~~11505-11506 Hearing~~

HEALTH AND SAFETY CODE

~~11054 Schedule I; substances included~~

~~11055 Schedule II; substances included~~

Legal Reference continued: (see next page)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Legal Reference: (continued)

HEALTH AND SAFETY CODE (continued)

11056 Schedule III, substances included

11357 11361 Marijuana

11363 Peyote

11364 Opium

11370.1 Possession of controlled substances with a firearm

PENAL CODE

187 Murder

291 School employees arrest for sex offense

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11165.2 11165.6 Child abuse or neglect; definitions

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

Vergara v. California (Los Angeles Super. Ct.) BC184642

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334

Morrison v. State Board of Education (1969) 1 Cal.3d 214

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007

WEB SITES

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

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

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

5 CCR 80303

5 CCR 80304

Description

Reports of change in employment status; alleged misconduct

Notice of sexual misconduct

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

CA Constitution Article 1, Section 1

Inalienable rights

<u>Ed. Code 44008</u>	<u>Effect of termination of probation</u>
<u>Ed. Code 44009</u>	<u>Conviction of specified crimes</u>
<u>Ed. Code 44010</u>	<u>Sex offense; definitions</u>
<u>Ed. Code 44011</u>	<u>Controlled substance offense</u>
<u>Ed. Code 44242.5</u>	<u>Reports and review of alleged misconduct</u>
<u>Ed. Code 44425</u>	<u>Conviction of a sex or narcotic offense</u>
<u>Ed. Code 44660-44665</u>	<u>Evaluation and assessment of performance of certificated employees</u>
<u>Ed. Code 44830.1</u>	<u>Criminal record summary; certificated employees</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 44929.23</u>	<u>Districts with less than 250 ADA</u>
<u>Ed. Code 44930-44988</u>	<u>Resignations, dismissals, and leaves of absence</u>
<u>Ed. Code 45055</u>	<u>Drawing of warrants for teachers</u>
<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place, and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
<u>Ed. Code 51530</u>	<u>Advocacy or teaching of communism</u>
<u>Gov. Code 1028</u>	<u>Advocacy of communism</u>
<u>Gov. Code 11505-11506</u>	<u>Hearing</u>
<u>Gov. Code 12954</u>	<u>Employment discrimination; cannabis use</u>
<u>Gov. Code 3543.2</u>	<u>Scope of representation</u>
<u>H&S Code 11054</u>	<u>Schedule I; substances included</u>
<u>H&S Code 11055</u>	<u>Schedule II; substances included</u>
<u>H&S Code 11056</u>	<u>Schedule III; substances included</u>
<u>H&S Code 11357-11361</u>	<u>Marijuana</u>
<u>H&S Code 11363</u>	<u>Peyote</u>
<u>H&S Code 11364</u>	<u>Opium</u>
<u>H&S Code 11370.1</u>	<u>Possession of controlled substances with a firearm</u>
<u>Pen. Code 11165.2-11165.6</u>	<u>Child abuse or neglect; definitions</u>
<u>Pen. Code 1192.7</u>	<u>Plea bargaining limitation</u>
<u>Pen. Code 187</u>	<u>Murder</u>
<u>Pen. Code 291</u>	<u>School employees arrest for sex offense</u>
<u>Pen. Code 667.5</u>	<u>Prior prison terms; enhancement of prison terms</u>

BP 4118(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Federal

Description

<u>U.S. Constitution, First Amendment</u>	<u>Free exercise, free speech, and establishment clauses</u>
<u>Management Resources</u>	<u>Description</u>
<u>Commission on Teacher Credentialing Publication</u>	<u>California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007</u>
<u>U.S. Department of Education Publication</u>	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> <u>(https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)</u>
<u>Court Decision</u>	<u>Kennedy v. Bremerton (2022) 142 S.Ct. 2407</u>
<u>Court Decision</u>	<u>Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844</u>
<u>Court Decision</u>	<u>Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334</u>
<u>Court Decision</u>	<u>Morrison v. State Board of Education (1969) 1 Cal.3d 214</u>
<u>Website</u>	<u>Office of the Attorney General</u>
<u>Website</u>	<u>Office of Administrative Hearings</u>
<u>Website</u>	<u>Department of General Services, About Teacher Dismissal Case Type</u>
<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>Commission on Teacher Credentialing</u>
<u>Website</u>	<u>CSBA</u>
<u>Website</u>	<u>U.S. Department of Education</u> <u>(https://www.ed.gov/)</u>

BP 4118(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References

<u>Code</u>	<u>Description</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>3230</u>	<u>Federal Grant Funds</u>
<u>3230</u>	<u>Federal Grant Funds</u>
<u>3512</u>	<u>Equipment</u>
<u>3512-E(1)</u>	<u>Equipment</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3513.4</u>	<u>Drug And Alcohol Free Schools</u>
<u>3515.2</u>	<u>Disruptions</u>
<u>3515.2</u>	<u>Disruptions</u>
<u>3515.21</u>	<u>Unmanned Aircraft Systems (Drones)</u>
<u>3516.2</u>	<u>Bomb Threats</u>
<u>4000</u>	<u>Concepts And Roles</u>
<u>4020</u>	<u>Drug And Alcohol-Free Workplace</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4040</u>	<u>Employee Use OfTechnology</u>
<u>4040-E(1)</u>	<u>Employee Use OfTechnology</u>
<u>4112</u>	<u>Appointment And Conditions Of Employment</u>
<u>4112.1</u>	<u>Contracts</u>
<u>4112.4</u>	<u>Health Examinations</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>

BP 4118(f)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4114</u>	<u>Transfers</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
<u>4119.1</u>	<u>Civil AndLegal Rights</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.21</u>	<u>Professional Standards</u>
<u>4119.21-E(1)</u>	<u>Professional Standards</u>
<u>4119.22</u>	<u>Dress And Grooming</u>
<u>4119.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4119.25</u>	<u>Political Activities Of Employees</u>
<u>4119.25</u>	<u>Political Activities Of Employees</u>
<u>4127</u>	<u>Temporary Athletic Team Coaches</u>
<u>4127</u>	<u>Temporary Athletic Team Coaches</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>
<u>4136</u>	<u>Nonschool Employment</u>
<u>4141</u>	<u>Collective Bargaining Agreement</u>
<u>4141.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4141.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>

BP 4118(g)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4157</u>	<u>Employee Safety</u>
<u>4157</u>	<u>Employee Safety</u>
<u>4158</u>	<u>Employee Security</u>
<u>4158</u>	<u>Employee Security</u>
<u>4159</u>	<u>Employee Assistance Programs</u>
<u>4161</u>	<u>Leaves</u>
<u>4161</u>	<u>Leaves</u>
<u>4212.4</u>	<u>Health Examinations</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4219.1</u>	<u>Civil AndLegal Rights</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.21</u>	<u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
<u>4219.22</u>	<u>Dress And Grooming</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4219.25</u>	<u>Political Activities Of Employees</u>
<u>4219.25</u>	<u>Political Activities Of Employees</u>
<u>4227</u>	<u>Temporary Athletic Team Coaches</u>
<u>4227</u>	<u>Temporary Athletic Team Coaches</u>
<u>4236</u>	<u>Nonschool Employment</u>

BP 4118(h)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4241</u>	<u>Collective Bargaining Agreement</u>
<u>4241.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4241.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4257</u>	<u>Employee Safety</u>
<u>4257</u>	<u>Employee Safety</u>
<u>4258</u>	<u>Employee Security</u>
<u>4258</u>	<u>Employee Security</u>
<u>4259</u>	<u>Employee Assistance Programs</u>
<u>4261</u>	<u>Leaves</u>
<u>4261</u>	<u>Leaves</u>
<u>4312.4</u>	<u>Health Examinations</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.1</u>	<u>Civil AndLegal Rights</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.21</u>	<u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
<u>4319.22</u>	<u>Dress And Grooming</u>

BP 4118(i)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4319.25</u>	<u>Political Activities Of Employees</u>
<u>4319.25</u>	<u>Political Activities Of Employees</u>
<u>4327</u>	<u>Temporary Athletic Team Coaches</u>
<u>4327</u>	<u>Temporary Athletic Team Coaches</u>
<u>4336</u>	<u>Nonschool Employment</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4357</u>	<u>Employee Safety</u>
<u>4357</u>	<u>Employee Safety</u>
<u>4358</u>	<u>Employee Security</u>
<u>4358</u>	<u>Employee Security</u>
<u>4359</u>	<u>Employee Assistance Programs</u>
<u>4361</u>	<u>Leaves</u>
<u>4361</u>	<u>Leaves</u>
<u>5144.2</u>	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
<u>5145.2</u>	<u>Freedom Of Speech/Expression</u>
<u>5145.2</u>	<u>Freedom Of Speech/Expression</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.7</u>	<u>Sexual Harassment</u>
<u>5145.7</u>	<u>Sexual Harassment</u>
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>5145.71-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>5145.9</u>	<u>Hate-Motivated Behavior</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6162.54</u>	<u>Test Integrity/Test Preparation</u>
<u>9000</u>	<u>Role Of The Board</u>
<u>9321</u>	<u>Closed Session</u>

BP 4118(j)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

Code

9321-E(1)

9321-E(2)

Description

Closed Session

Closed Session

Policy

adopted: ~~July 25, 2023~~ **First Reading: July 23, 2024**

BEAUMONT UNIFIED SCHOOL DISTRICT

Beaumont, California

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Causes for Suspension or Dismissal

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
(cf. 4112.4/4212.4/4312.4—Health Examinations)
8. Persistent violation of or refusal to obey the school laws or regulations of the state or District
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 (prohibiting the advocacy or teaching of communism to indoctrinate)
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

(cf. 4115—Evaluation/Supervision)

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 48907, 48950)

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

(cf. 5145.2—Freedom of Speech/Expression)

Suspension/Dismissal of Permanent Employees

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Board of Trustees, or a written

AR 4118(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists. (Education Code 44934, 44934.1)

2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the District and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the District may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)
4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision ~~supporting~~ **upholding** suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

(cf. 4117.7/4317.7—Employment Status Reports)

Suspension/Dismissal of Probationary Employees

The District may choose not to rehire probationary employees for the following school year without giving a statement of reasons, if proper notice is provided by March 15 **of the employee's second, complete, consecutive year of employment.** (Education Code 44929.21, 44929.23)

(cf. 4116—Probationary/Permanent Status)

(cf. 4117.6—Decision Not to Rehire)

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.

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

2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.

AR 4118(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

3. If a hearing is requested, the District may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

Compulsory Leave of Absence

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187, ~~(prohibiting murder)~~ or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

(cf. 4117.7/4317.7—Employment Status Reports)

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or ~~tetrahydrocannabinol~~ tetrahydrocannabinol. (Education Code 44940)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the

compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless a hearing is demanded. (Education Code 44940, 44940.5)

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice (DOJ) that a current temporary, substitute, or probationary employee serving before March 15 of his/her second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the DOJ, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

AR 4118(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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.

<u>State</u>	<u>Description</u>
<u>5 CCR 80303</u>	<u>Reports of change in employment status; alleged misconduct</u>
<u>5 CCR 80304</u>	<u>Notice of sexualmisconduct</u>
<u>CA Constitution Article 1, Section 1</u>	<u>Inalienable rights</u>
<u>Ed. Code 44008</u>	<u>Effect of termination of probation</u>
<u>Ed. Code 44009</u>	<u>Conviction of specifiedcrimes</u>
<u>Ed. Code 44010</u>	<u>Sex offense; definitions</u>
<u>Ed. Code 44011</u>	<u>Controlled substance offense</u>
<u>Ed. Code 44242.5</u>	<u>Reports and review of alleged misconduct</u>
<u>Ed. Code 44425</u>	<u>Conviction of a sex or narcotic offense</u>
<u>Ed. Code 44660-44665</u>	<u>Evaluation and assessment of performance of certificated employees</u>
<u>Ed. Code 44830.1</u>	<u>Criminal record summary; certificated employees</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 44929.23</u>	<u>Districts with less than 250 ADA</u>
<u>Ed. Code 44930-44988</u>	<u>Resignations, dismissals, and leaves of absence</u>
<u>Ed. Code 45055</u>	<u>Drawing of warrants for teachers</u>

<u>Ed. Code 48907</u>	<u>Exercise of free expression; time, place, and manner rules and regulations</u>
<u>Ed. Code 48950</u>	<u>Speech and other communication</u>
<u>Ed. Code 51530</u>	<u>Advocacy or teaching of communism</u>
<u>Gov. Code 1028</u>	<u>Advocacy of communism</u>
<u>Gov. Code 11505-11506</u>	<u>Hearing</u>
<u>Gov. Code 12954</u>	<u>Employment discrimination; cannabis use</u>
<u>Gov. Code 3543.2</u>	<u>Scope of representation</u>
<u>H&S Code 11054</u>	<u>Schedule I; substances included</u>
<u>H&S Code 11055</u>	<u>Schedule II; substances included</u>
<u>H&S Code 11056</u>	<u>Schedule III; substances included</u>
<u>H&S Code 11357-11361</u>	<u>Marijuana</u>

AR 4118(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

<u>State</u>	<u>Description</u>
<u>H&S Code 11363</u>	<u>Peyote</u>
<u>H&S Code 11364</u>	<u>Opium</u>
<u>H&S Code 11370.1</u>	<u>Possession of controlled substances with a firearm</u>
<u>Pen. Code 11165.2-11165.6</u>	<u>Child abuse or neglect; definitions</u>
<u>Pen. Code 1192.7</u>	<u>Plea bargaining limitation</u>
<u>Pen. Code 187</u>	<u>Murder</u>
<u>Pen. Code 291</u>	<u>School employees arrest for sex offense</u>
<u>Pen. Code 667.5</u>	<u>Prior prison terms; enhancement of prison terms</u>
<u>Federal</u>	<u>Description</u>
<u>U.S. Constitution, First Amendment</u>	<u>Amendment 1; Free exercise, free speech, and establishment clauses</u>
<u>Management Resources</u>	<u>Description</u>
<u>Commission on Teacher Credentialing Publication</u>	<u>California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007</u>
<u>U.S. Department of Education Publication</u>	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> <u>(https://www2.ed.gov/policy/gen/guid/religiousanddschools/prayer_guidance.html)</u>
<u>Court Decision</u>	<u>Kennedy v. Bremerton (2022) 142 S.Ct. 2407</u>

<u>Court Decision</u>	<u>Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844</u>
<u>Court Decision</u>	<u>Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334</u>
<u>Court Decision</u>	<u>Morrison v. State Board of Education (1969) 1 Cal.3d 214</u>
<u>Website</u>	<u>Office of the Attorney General</u>
<u>Website</u>	<u>Office of Administrative Hearings</u>
<u>Website</u>	<u>Department of General Services, About Teacher Dismissal Case Type</u>

AR 4118(f)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

<u>Website</u>	<u>CSBA District and County Office of Education Legal Services</u>
<u>Website</u>	<u>Commission on Teacher Credentialing</u>
<u>Website</u>	<u>CSBA</u>
<u>Website</u>	<u>U.S. Department of Education(https://www.ed.gov/)</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>3230</u>	<u>Federal Grant Funds</u>
<u>3230</u>	<u>Federal Grant Funds</u>
<u>3512</u>	<u>Equipment</u>
<u>3512-E(1)</u>	<u>Equipment</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>

<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3513.4</u>	<u>Drug And Alcohol Free Schools</u>
<u>3515.2</u>	<u>Disruptions</u>
<u>3515.2</u>	<u>Disruptions</u>
<u>3515.21</u>	<u>Unmanned Aircraft Systems(Drones)</u>
<u>3516.2</u>	<u>Bomb Threats</u>
<u>4000</u>	<u>Concepts And Roles</u>
<u>4020</u>	<u>Drug And Alcohol-Free Workplace</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4040</u>	<u>Employee Use OfTechnology</u>
<u>4040-E(1)</u>	<u>Employee Use OfTechnology</u>

AR 4118(gf)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4112</u>	<u>Appointment And Conditions Of Employment</u>
<u>4112.1</u>	<u>Contracts</u>
<u>4112.4</u>	<u>Health Examinations</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4114</u>	<u>Transfers</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
<u>4119.1</u>	<u>Civil AndLegal Rights</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>

<u>4119.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4119.21</u>	<u>Professional Standards</u>
<u>4119.21-E(1)</u>	<u>Professional Standards</u>
<u>4119.22</u>	<u>Dress And Grooming</u>
<u>4119.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4119.25</u>	<u>Political Activities Of Employees</u>
<u>4119.25</u>	<u>Political Activities Of Employees</u>
<u>4127</u>	<u>Temporary Athletic Team Coaches</u>
<u>4127</u>	<u>Temporary Athletic Team Coaches</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>
<u>4131.1</u>	<u>Teacher Support And Guidance</u>

AR 4118(hf)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4136</u>	<u>Nonschool Employment</u>
<u>4141</u>	<u>Collective Bargaining Agreement</u>
<u>4141.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4141.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4157</u>	<u>Employee Safety</u>
<u>4157</u>	<u>Employee Safety</u>
<u>4158</u>	<u>Employee Security</u>
<u>4158</u>	<u>Employee Security</u>
<u>4159</u>	<u>Employee Assistance Programs</u>
<u>4161</u>	<u>Leaves</u>
<u>4161</u>	<u>Leaves</u>
<u>4212.4</u>	<u>Health Examinations</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.9</u>	<u>Employee Notifications</u>

<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4219.1</u>	<u>Civil And Legal Rights</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4219.21</u>	<u>Professional Standards</u>
<u>4219.21-E(1)</u>	<u>Professional Standards</u>
<u>4219.22</u>	<u>Dress And Grooming</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>

AR 4118(i)f

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4219.25</u>	<u>Political Activities Of Employees</u>
<u>4219.25</u>	<u>Political Activities Of Employees</u>
<u>4227</u>	<u>Temporary Athletic Team Coaches</u>
<u>4227</u>	<u>Temporary Athletic Team Coaches</u>
<u>4236</u>	<u>Nonschool Employment</u>
<u>4241</u>	<u>Collective Bargaining Agreement</u>
<u>4241.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4241.6</u>	<u>Concerted Action/Work Stoppage</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4257</u>	<u>Employee Safety</u>
<u>4257</u>	<u>Employee Safety</u>
<u>4258</u>	<u>Employee Security</u>
<u>4258</u>	<u>Employee Security</u>
<u>4259</u>	<u>Employee Assistance Programs</u>
<u>4261</u>	<u>Leaves</u>
<u>4261</u>	<u>Leaves</u>
<u>4312.4</u>	<u>Health Examinations</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>

<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.1</u>	<u>Civil AndLegal Rights</u>
<u>4319.11</u>	<u>Sexual Harassment</u>

AR 4118(j)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.12</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.12-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>4319.21</u>	<u>Professional Standards</u>
<u>4319.21-E(1)</u>	<u>Professional Standards</u>
<u>4319.22</u>	<u>Dress And Grooming</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4319.25</u>	<u>Political Activities Of Employees</u>
<u>4319.25</u>	<u>Political Activities Of Employees</u>
<u>4327</u>	<u>Temporary Athletic Team Coaches</u>
<u>4327</u>	<u>Temporary Athletic Team Coaches</u>
<u>4336</u>	<u>Nonschool Employment</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4357</u>	<u>Employee Safety</u>
<u>4357</u>	<u>Employee Safety</u>
<u>4358</u>	<u>Employee Security</u>
<u>4358</u>	<u>Employee Security</u>
<u>4359</u>	<u>Employee Assistance Programs</u>

<u>4361</u>	<u>Leaves</u>
<u>4361</u>	<u>Leaves</u>
<u>5144.2</u>	<u>SuspensionAndExpulsion/DueProcess(Students With Disabilities)</u>
<u>5145.2</u>	<u>Freedom Of Speech/Expression</u>
<u>5145.2</u>	<u>Freedom Of Speech/Expression</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.3</u>	<u>Nondiscrimination/Harassment</u>
<u>5145.7</u>	<u>Sexual Harassment</u>
<u>5145.7</u>	<u>Sexual Harassment</u>
<u>5145.71</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>
<u>5145.71-E(1)</u>	<u>Title IX Sexual Harassment Complaint Procedures</u>

AR 4118(k)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

<u>Code</u>	<u>Description</u>
<u>5145.9</u>	<u>Hate-Motivated Behavior</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6145.2</u>	<u>Athletic Competition</u>
<u>6162.54</u>	<u>Test Integrity/Test Preparation</u>
<u>9000</u>	<u>Role OfThe Board</u>
<u>9321</u>	<u>Closed Session</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>

(cf. 4112.5/4212.5/4312.5 – Criminal Record Check)

Regulation

BEAUMONT UNIFIED SCHOOL DISTRICT

approved: ~~August 8, 2023~~ First Reading: July 23, 2024

Beaumont, California

All Personnel

BP 4119.25

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

The Board of Trustees respects the right of ~~school~~ District employees to engage in political discussions and activities as individuals on their own time and at their own expense. ~~On such occasions~~ When engaging in such activities, employees shall make it clear that they are acting ~~as individuals~~ on their own behalf and not as representatives of the District.

~~(cf. 1160 – Political Processes)~~ (cf. 6144 – Controversial Issues)

~~Like other community members, employees~~ District employees, as members of the community, may use school facilities for meetings, including political activities, as permitted under the Civic Center Act and District policy.

(cf. 1330 - Use of School Facilities)

Employees shall refrain from prohibited political activities identified in law, Board policy, and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

(cf. 1325 - Advertising and Promotion)

(cf. 4118 - Suspension/Disciplinary Action)

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

Legal Reference:

EDUCATION CODE

~~7050-7057~~ 7058 *Political activities of school officers and employees*

38130-38139 *Civic Center Act*

51520 *Prohibited solicitations on school premises*

ELECTIONS CODE

18304 *Prohibition against use of district seal in campaign literature*

GOVERNMENT CODE

3543.1 *Rights of employee organizations*

8314 *Prohibition against use of public resources for campaign activity*

82041.5 *Definition of mass mailing*

PENAL CODE

424 *Punishment of misuse of public funds*

COURT DECISIONS

Hefferman v. City of Paterson (2016) 136 S. Ct. 1412

Diquisto v. County of Santa Clara, (2010) 181 Cal. App 4th 236

San Leandro Teachers Association v. Governing Board of the San Leandro Unified School District, (2010)

46 Cal. 4th 822

Downs v. Los Angeles Unified School District, (9th Cir. 2000) 228 F.3d 1003

California Teachers Association v. Governing Board of San Diego Unified School District, (1996) 45

Cal.App. 4th 1383

L.A. Teachers Union v. L.A. City Board of Education, (1969) 71 Cal.2d 551

Pickering v. Board of Education Township High School District, (1968) 88 S. Ct. 1731

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops.Cal.Atty.Gen. 56 (1994)

PERB-PUBLIC EMPLOYMENT RELATIONS BOARD RULINGS

City of Sacramento, (2019) PERB Dec. No. 2702m

BP 4119.25
4219.25
4319.25

POLITICAL ACTIVITIES OF EMPLOYEES (continued)

Legal Reference: (continued)

Conejo Valley Unified School District, (2009) PERB Dec. No. 2054

East Whittier School District, (2004) PERB Dec. No. 1727

Turlock Joint Elementary School District, (2004) PERB Dec. No. 1490a

California Federation of Teachers, Local 1931 v. San Diego Community College District, (2001) PERB Order-Dec. No. #1467-(26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

WEB SITES

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

California Office of the Attorney General, Dept. of Justice: <http://eaag.state.ca.us/oag.ca.gov>

Public Employment Relations Board: <http://www.perb.ca.gov>

Policy

adopted: ~~April 25, 2017~~ **First Reading: July 23, 3024**

BEAUMONT UNIFIED SCHOOL DISTRICT

Beaumont, California

All Personnel

AR 4119.25(a)

4219.25

POLITICAL ACTIVITIES OF EMPLOYEES

4319.25

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time. (Education Code 7056)

District employees shall not:

1. Use District funds, services, supplies, ~~or equipment,~~ work hours, or other public resources to urge the ~~passage~~-support or defeat of any ballot measure or candidate, including any candidate for election to the Board of Trustees (Education Code 7054, 7056; Government Code 8314)
2. Use the District's logo in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of reproduction or facsimile of the logo in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the Board, a Board member, or the District (Elections Code 18304)

(cf. 1160 - Political Processes)

- ~~23.~~ During working hours ~~and on District property,~~ solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056)
- ~~34.~~ During working hours ~~and on District property,~~ solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
- ~~4.~~ Use District time to urge the passage or defeat of any ballot measure or candidate
5. Use District equipment for the preparation or reproduction of political campaign materials, ~~even if the District is reimbursed~~

(cf. 3512 - Equipment)

6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on District property
7. Disseminate political campaign materials through the District's mail service, e-mail or staff mailboxes

(cf. 4040 - Employee Use of Technology)

8. Use students to write, address, ~~or~~ distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of ~~opposing views~~ all perspectives

(cf. 6144 - Controversial Issues)

10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

POLITICAL ACTIVITIES OF EMPLOYEES (continued)

~~However, teachers shall not be prohibited from wearing political buttons during noninstructional time, such as Back-to-School Night.~~

~~Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)~~

Political Activities of Employee Organizations

~~Employee organizations may use District mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use District facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)~~

~~However, eEmployee organizations shall not use District funds, services, supplies, or equipment, such as staff mailboxes or the District mail system, to urge the passage-support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)~~

(cf. 4140/4240/4340 - Bargaining Units)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time. (Education Code 7056)

~~Access to District communication channels shall be limited in cases where such access would be disruptive to District operations.~~

~~In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.~~

(cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)

EMPLOYMENT STATUS REPORTS

The Superintendent shall report to the Commission on Teacher Credentialing (CTC) any change in the employment status of a certificated employee who, while working in a position requiring a credential and as a result of an allegation of misconduct or while an allegation of misconduct is pending: (Education Code 44030.5, 44242.5; 5 CCR 80303)

1. Is dismissed or nonreelected

(cf. 4116 - Probationary/Permanent Status)
(cf. 4117.6 - Decision Not to Rehire)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

2. Resigns

(cf. 4117.2/[4217.2](#)/[4317.2](#) - Resignation)

3. Is suspended or placed on unpaid administrative leave for more than 10 days as a final adverse employment action

4. Retires

5. Is otherwise terminated by a decision not to employ or reemploy

(cf. 4119.21/[4219.21](#)/[4319.21](#) - Professional Standards)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

This report is not required when the change in employment status is due solely to unsatisfactory performance pursuant to Education Code 44932 or a reduction in force pursuant to Education Code 44955-44958. (Education Code 44030.5, 44242.5; 5 CCR 80303)

(cf. 4115 - Evaluation/Supervision)
(cf. 4117.3 - Personnel Reduction)

When required, the report of a change in employment status shall be submitted not later than 30 days after the employment action. The report shall be made using a form provided by the CTC and shall include all known information about each alleged act of misconduct by the employee. The report shall contain the name and current address of the certificated employee, name of the district, last school or district assignment, an explanation of the allegation of misconduct or pending allegation of misconduct, current contact information for all persons who may have information relating to the alleged misconduct, and any and all documentation related to the case. (Education Code 44030.5; 5 CCR 80303)

Upon a change in employment status as a result of alleged misconduct or while an allegation of misconduct is pending, the Superintendent shall, in writing, inform the employee of the contents of 5 CCR 80303. (5 CCR 80303)

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

EMPLOYMENT STATUS REPORTS (continued)

Additional Reports of Employee Misconduct

The Superintendent or designee shall submit a report to ~~the~~CTC, using a form provided by ~~the~~CTC and attaching all relevant documents, whenever:

1. An employee, by complaint, information, or indictment filed in court, is charged with a "mandatory leave of absence offense," defined as a sex or drug offense specified in Education Code 44940 or violation or attempted violation of Penal Code 187 (murder). (Education Code 44242.5, 44940, 44940.5)

Not later than 10 days after receipt of such a complaint, information, or indictment regarding an employee, the Superintendent or designee shall forward a copy of the received documents to ~~the~~CTC. In addition, ~~he/she~~the Superintendent or designee shall report to ~~the~~CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period. (Education Code 44940, 44940.5)

If the offense results in a change in employment status, the Superintendent shall submit an employment status report in addition to the report of the mandatory leave of absence offense.

2. An employee refuses, without good cause, to fulfill a valid employment contract, or departs from District service without the consent of the Superintendent or Board of Trustees. (Education Code 44242.5, 44420)

As appropriate, the Superintendent or designee also shall notify ~~the~~CTC of any of the following:

1. A complaint filed with the District regarding a certificated employee's alleged sexual misconduct (Education Code 44242.5)

(cf. 4119.24/4219.24/4319.24 – Maintaining Appropriate Adult-Student Interactions)

The notice to ~~the~~CTC shall contain all of the following information: (5 CCR 80304)

- a. Name of the employee alleged to have engaged in the sexual misconduct
- b. Name, age, and address of each victim of the alleged sexual misconduct
- c. A summary of all information known to the District regarding the alleged sexual misconduct
- d. A summary of the action, if any, taken at the District level in response to the complaint of sexual misconduct

EMPLOYMENT STATUS REPORTS (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5145.7 - Sexual Harassment)

2. An employee's knowing and willful use of school records of student data in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the certificated employee or in which the certificated employee is an employee (Education Code 44242.5, 44421.1)

(cf. 5125 - Student Records)

3. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program (Education Code 44242.5, 44421.5)
4. An employee's subversion or attempt to subvert any licensing examination or the administration of an examination (Education Code 44242.5, 44439)

Legal Reference:

EDUCATION CODE

44009 Conviction of specified crimes
44010 Sex offense, definitions
44011 Controlled substance offense, definitions
44030.5 Employment status reports
44225 Powers and duties of ~~the~~ CTC
44242.5 Reports and review of alleged misconduct
44420-44440 Adverse actions by CTC against credential holder
44932 Causes for dismissal
44940 Sex offenses and narcotic offenses; compulsory leave of absence
44940.5 Compulsory leave of absence
44955-44958 Reduction in force

PENAL CODE

187 Murder

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct
80304 Notice of sexual misconduct

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2013-2019

WEB SITES

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

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

STAFF DEVELOPMENT

The Board of Trustees believes that, in order to maximize student learning, ~~and~~ achievement, and well-being, certificated staff members must be continuously learning and improving relevant ~~their~~ skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills, ~~and~~ become informed about changes in pedagogy and subject matter, and strengthen practices related to social-emotional development and learning.

(cf. 6111 - School Calendar)

The Superintendent or designee shall involve teachers, site and District administrators, and others, as appropriate, when creating, reviewing, and amending ~~in the development of~~ the District's staff development program. ~~He/she~~ The Superintendent or designee shall ensure that the District's staff development program is aligned with District priorities for student learning, achievement and well-being, school improvement objectives, the local control and accountability plan, and other District and school plans.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0420 - School Plans/Site Councils)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 0520.3 - Title I Program Improvement Districts)

The District's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and District academic standards

(cf. 6011 - Academic Standards)

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

(cf. 6142.2 - World/~~Foreign~~ Language Instruction)

(cf. 6142.3 - Civic Education)

(cf. 6142.5 - Environmental Education)

(cf. 6142.6 - Visual and Performing Arts Education)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6142.91 - Reading/Language Arts Instruction)

(cf. 6142.92 - Mathematics Instruction)

(cf. 6142.93 - Science Instruction)

(cf. 6142.94 - History-Social Science Instruction)

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction and learning, including face-to-face, remote, or hybrid instruction

(cf. 0440 - District Technology Plan)

STAFF DEVELOPMENT (continued)

(cf. 4113.5/4213.5/4313.5 – Working Remotely)

(cf. 6158 – Independent Study)

(cf. 6163.4 - Student Use of Technology)

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students with characteristics specified in Education Code 200 and/or 220, Government Code 11135, and/or Penal Code 422.55 ~~of various racial and ethnic groups, students with disabilities, English learners, economically disadvantaged students, foster youth, gifted and talented students, and at-risk students~~

(cf. 0410 – Nondiscrimination/Harassment)

(cf. 0415 – Equity)

(cf. 4112.22 - Staff Teaching English Language Learners)

(cf. 4112.23 - Special Education Staff)

(cf. 5146 – Married/Pregnant/Parenting Students)

(cf. 5147 - Dropout Prevention)

(cf. 6141.5 - Advanced Placement)

(cf. 6171 - Title I Programs)

(cf. 6172 - Gifted and Talented Student Program)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

(cf. 6178 - Career Technical Education)

6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education

(cf. 1240 - Volunteer Assistance)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, acceptance, tolerance, and civility ~~discipline~~, including conflict resolution, ~~and~~ hatred prevention, and positive behavioral interventions and supports

(cf. 1313 – Civility)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144- Discipline)

(cf. 5145.9 - Hate-Motivated Behavior)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn

BP 4131(c)

STAFF DEVELOPMENT (continued)

9. Ability to interpret and use data and assessment results to guide instruction

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6162.5 - Student Assessment)

10. Knowledge of topics related to student mental and physical health, safety, and welfare, which may include social-emotional learning and trauma informed practices

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 - Steroids)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 – Infectious Diseases)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.5 – Mental Health)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

11. Knowledge of topics related to employee health, safety, and security

(cf. 3514.1 - Hazardous Substances)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.12 – Title IX Sexual Harassment Complaint Procedures)
(cf. 4119.41/4219.41/4319.41 – Employees with Infectious Disease)
(cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4158/4258/4358 - Employee Security)

Professional learning opportunities offered by the District shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The District's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

(cf. 4115 - Evaluation/Supervision)

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

BP 4131(d)

STAFF DEVELOPMENT (continued)

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the District's priorities for student achievement and well-being.

(cf. 0500 - Accountability)

Legal Reference:

EDUCATION CODE

200 Educational equity

218 Lesbian, gay, bisexual, transgender, queer, and questioning student resources

220 Prohibition of discrimination

44032 Travel expense payment

44259.5 Standards for teacher preparation

44277 Professional growth programs for individual teachers

44300 Emergency permits

44325-44328 District interns

44450-44468 University internship program

~~44570-44578 Inservice training, secondary education~~

44830.3 District interns

45028 Salary schedule and exceptions

48980 Notification of parents/guardians; schedule of minimum days

51745-51749.6 Independent Study

52060-52077 Local control and accountability plan

56240-56245 Staff development; service to persons with disabilities

99200-~~99206~~99204 Subject matter projects

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

11135 Discrimination

PENAL CODE

422.55 Hate Crime

CODE OF REGULATIONS, TITLE 5

13025-13044 Professional development and program improvement

80021 Short-term staff permit

80021.1 Provisional internship permit

80023-80026.6 Emergency permits

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

~~6601-6702~~6692 Preparing, ~~Training~~training and ~~Reeruiting~~recruiting ~~High-high Quality-quality~~ Teachers
teachers and ~~Principals~~principals

UNITED STATE CODE TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
12101-12213 Americans with Disabilities Act
PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
United Faculty of Contra Costa Community College District v. Contra Costa Community College District,
(1990) PERB Order/Dec. No. 804, 14 PERC P21, 085

BP 4131(e)

STAFF DEVELOPMENT (continued)

Management Resources:

CSBA PUBLICATIONS

Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Digital Learning Integration and Standards Guidance, June 2021

Social and Emotional Learning in California, A Guide to Resources, October 2018

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession (CSTP), 2009

WEB SITES

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

California Department of Education, Professional Learning: <http://www.cde.ca.gov/pd>

California Department of Education, Supporting LGBTQ+ Students:

<https://www.cde.ca.gov/pd/ee/supportlgbtq.asp>

California Subject Matter Projects: <http://csmp.ucop.edu>

Collaborative for Academic, Social, and Emotional Learning: <https://casel.org>

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

Public Employment Relations Board: <https://perb.ca.gov>

Policy

BEAUMONT UNIFIED SCHOOL DISTRICT

adopted: ~~April 25, 2017~~ First Reading: July 23, 2024

Beaumont, California

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

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

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

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

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

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

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

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

Procedures for Serious Disciplinary Proceedings

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

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or

designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly review process. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter. (Education Code 45113, 45116)

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

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

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

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

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

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

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

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

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

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

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

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

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

Compulsory Leave of Absence

Upon being informed that a classified employee has been charged with a mandatory leave of absence offense, the Superintendent or designee shall immediately place the employee on a compulsory leave of absence. (Education Code 44910, 44940.5, 45304)

Policy Reference Disclaimer:

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

State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
<u>Ed Code 45116</u>	<u>Notice of disciplinary action</u>
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent

	classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge <u>charged</u> with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
<u>Gov. Code 12954</u>	<u>Employment discrimination; cannabis use</u> BP 4218(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
Federal	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution, <u>First Amendment</u>	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
<u>Court Decision</u>	<u>Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844</u>
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
<u>U.S Department of Education Publication</u>	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> <u>(https://www2.ed.gov/policy/gen/guid/religiousandschools/prayer_guidance.html)</u>
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
<u>Website</u>	<u>U.S Department of Education</u> <u>(https://www.ed.gov/)</u>

Cross References

Code	Description
1114	District-Sponsored Social Media
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3230	Federal Grant Funds
3230	Federal Grant Funds
3512	Equipment
3512-E(1)	Equipment
3513.3	Tobacco-Free Schools

BP 4218(e)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)**Cross References (continued)**

Code	Description
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
3515.21	Unmanned Aircraft Systems (Drones)
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3516.2	Bomb Threats
3542	School Bus Drivers
4000	Concepts And Roles
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.42	Drug And Alcohol Testing For School Bus

	Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4113.5	Working Remotely
4119.1	Civil And Legal Rights
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4119.23	Unauthorized Release Of Confidential/Privileged Information
4119.24	Maintaining Appropriate Adult-Student Interactions

BP 4218(f)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

Code	Description
4119.25	Political Activities Of Employees
4119.25	Political Activities Of Employees
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4136	Nonschool Employment
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4158	Employee Security
4158	Employee Security
4159	Employee Assistance Programs
4161	Leaves

4161	Leaves
4161.11	Industrial Accident/Illness Leave
4200	Classified Personnel
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4213.5	Working Remotely
4216	Probationary/Permanent Status
4219.1	Civil And Legal Rights
4219.12	Title IX Sexual Harassment Complaint Procedures

BP 4218(g)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

Code	Description
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.22	Dress And Grooming
4219.23	Unauthorized Release Of Confidential/Privileged Information
4219.24	Maintaining Appropriate Adult-Student Interactions
4219.25	Political Activities Of Employees
4219.25	Political Activities Of Employees
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4236	Nonschool Employment
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage

4254	Health And WelfareBenefits
4254	Health And WelfareBenefits
4257	Employee Safety
4257	Employee Safety
4258	Employee Security
4258	Employee Security
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files

BP 4218(h)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

Cross References (continued)

Code	Description
4313.5	Working Remotely
4319.1	Civil And Legal Rights
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.22	Dress And Grooming
4319.23	UnauthorizedReleaseOf Confidential/PrivilegedInformation
4319.24	Maintaining Appropriate Adult-Student Interactions
4319.25	Political Activities OfEmployees
4319.25	Political Activities OfEmployees
4327	Temporary Athletic Team Coaches

4327	Temporary Athletic Team Coaches
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4358	Employee Security
4358	Employee Security
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6145.2	Athletic Competition
6145.2	Athletic Competition
6162.54	Test Integrity/Test Preparation
9000	Role Of The Board
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session