

CONCEPTS AND ROLES

The Governing Board recognizes that the success of district students and programs hinges on effective personnel. The Board desires to establish safe and supportive working conditions that will attract and retain staff members who are highly qualified and dedicated to the education and welfare of students. The district's personnel policies and related regulations shall be designed to ensure a supportive, positive climate and shall be consistent with collective bargaining agreements and in conformance with state and federal law and regulations.

As the legal representative of the district in negotiations with employee representatives, the Board shall set goals and guidelines for collective bargaining, select the bargaining team, maintain communications during the bargaining process, and adopt the negotiated contract. Terms and conditions of employment which have been negotiated and stated in employee contracts shall have the force of policy. The Board shall hear employee complaints and appeals when such hearings are in accordance with Board policy or negotiated agreements. The Board shall also adopt wage and salary schedules and shall commit budget funds for staff development so that staff members may continue developing their skills.

(cf. 4131 - Staff Development)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)
(cf. 4144/4244/4344 - Complaints)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 9000 - Role of the Board)

The Superintendent has primary responsibility for overseeing the district's personnel system. To support this effort, the Board shall approve a framework for sound hiring practices. The Superintendent shall nominate all personnel for employment, and the Board shall approve only those persons so recommended. Individuals who approach Board members regarding prospective employment shall be referred to the Superintendent or designee.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

The Superintendent or designee shall assign and supervise the work of all employees and shall evaluate their work in accordance with effective accountability systems approved by the Board. The Superintendent or designee also shall recommend disciplinary action which the Board may take against employees when warranted pursuant to Board policy, administrative regulations and/or state or federal law.

(cf. 4115 - Evaluation/Supervision)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4215 - Evaluation/Supervision)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4315 - Evaluation/Supervision)

BP 4000(b)

CONCEPTS AND ROLES (continued)

The Board recognizes that every employee has a stake in the district's successful operation. The Board encourages all district employees to express their ideas, concerns and proposals related to the improvement of working conditions and the total educational program. The Superintendent or designee shall establish procedures whereby he/she will receive and consider employee suggestions and submit them, when appropriate, for consideration by the Board.

Legal Reference:

EDUCATION CODE

35020 *Duties of employees fixed by governing board*

35035 *Powers and duties of superintendent*

35160 *Powers of governing board*

GOVERNMENT CODE

3540-3549.3 *Public education employer-employee relations*

Policy
adopted: July 10, 2001

PALERMO UNION SCHOOL DISTRICT
Palermo, California

DRUG AND ALCOHOL-FREE WORKPLACE

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

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other district workplace. (Government Code 8355; 41 USC 701) A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the district or otherwise engaged in district business.

(cf. 4112.41/4212/41/4312/41 - Employee Drug Testing)

(cf. 4112.42/4212/42/4312/42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Provide employees information about drug and alcohol-free awareness, and inform employees about (Government Code 8355; 41 USC 701):
 - a. The dangers of drug and alcohol abuse in the workplace
 - b. The district policy of maintaining a drug and alcohol-free workplace
 - c. Any available drug and alcohol counseling and rehabilitation
 - d. The penalties that may be imposed on employees for drug and alcohol abuse violations occurring in the workplace

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

3. Notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice from an employee or otherwise of a conviction for a violation in the workplace of any controlled substance offense. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement and district policy and practices.
5. Make a good faith effort to continue maintaining a drug and alcohol-free workplace through implementation of Board policy.

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

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and district policies and practices.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4159/4258/4359 - Employee Assistance Programs)

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

Legal Reference: (see next page)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

Legal Reference:

EDUCATION CODE

44011 *Controlled substance offense*

44065 *Issuance of credentials*

44425 *Conviction of controlled substance offenses as grounds for revocation of credential*

44836 *Employment of certificated persons convicted of controlled substance offenses*

44940 *Compulsory leave of absence for certificated persons*

44940.5 *Procedures when employees are placed on compulsory leave of absence*

45123 *Employment after conviction of controlled substance offense*

45304 *Compulsory leave of absence for classified persons*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

THE DRUG-FREE WORKPLACE ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

UNITED STATES CODE, TITLE 21

202 schedules I-V

812 Controlled Substances Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1300.1-1300.15 Definitions relating to controlled substances

adopted: July 10, 2001
revised: March 23, 2011

Palermo, California

SAMPLE

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

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

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

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

Pursuant to the federal Omnibus Transportation Employee Testing Act of 1991, school bus drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

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

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

The district shall not employ classified service a person who has been convicted of a controlled substance offense.

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

DRUG AND ALCOHOL-FREE WORKPLACE NOTICE TO EMPLOYEES

(continued)

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

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

(Employee Signature)

(Date)

Exhibit
version: July 10, 2001

PALERMO UNION SCHOOL DISTRICT
Palermo, California

NONDISCRIMINATION IN EMPLOYMENT

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

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

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

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

Equal employment opportunity shall be provided to all employees and applicants. Physically or mentally disabled employees or applicants may request reasonable accommodation.

(cf. 4032 - Reasonable Accommodation)

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

All employees are expected to carry out their responsibilities in a manner that is free from discriminatory statements or conduct. Employees who permit or engage in discrimination or harassment may be subject to disciplinary action up to and including dismissal.

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

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

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

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

Sam Chimento
Superintendent
7390 Bulldog Way, Palermo, CA 95968
Telephone: (530) 533-4842, ext. 7

Other Remedies

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

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

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

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

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

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

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

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

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

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

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

Notice of Non-Discrimination, January, 1999

WEB SITES

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

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

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

Policy

adopted: July 10, 2001

Revised: May 15, 2008

PALERMO UNION SCHOOL DISTRICT

Palermo, California

NONDISCRIMINATION IN EMPLOYMENT

Unlawful harassment based on a person's race, sex, or other attribute listed in the district's nondiscrimination policy includes, but is not limited to, the following:

1. Slurs, epithets, threats, or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures
3. Unwelcome jokes, stories or teasing
4. Any other verbal, visual or physical conduct which adversely affects the individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive working environment

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way in which it affects him/her.

Any employee or applicant for employment who feels that he/she is being unlawfully discriminated against or harassed should immediately contact his/her supervisor or the Superintendent/nondiscrimination coordinator in order to obtain procedures for reporting a complaint. Such complaints can be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisor who receives a discrimination/harassment complaint shall notify the Superintendent/nondiscrimination coordinator, who shall ensure that the complaint is appropriately investigated. Discrimination complaint procedures prohibit retaliatory behavior against any complainant or any participant in the complaint process.

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

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Regulation
approved: July 10, 2001
Revised: May 15, 2008

PALERMO UNION SCHOOL DISTRICT
Palermo, California

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

The Governing Board designates the Superintendent as Coordinator for Nondiscrimination in Employment.

The following procedures shall be followed when district employee or job applicant has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the district's nondiscrimination policies.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

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

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the district determines as least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the district, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a district complaint file and not in the employee's individual personnel file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

(continued)

8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

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

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

Level I

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

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the district nondiscrimination coordinator/Superintendent within 10 days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative
2. The complainant's name, address and telephone number
3. The name and work location of the district staff member who committed the alleged violation
4. A description of the allegedly discriminatory act(s) or omission(s)
5. The discriminatory basis alleged

6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation

AR 4031(c)

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

(continued)

7. Other pertinent information which may assist in investigating and resolving the complaint

The nondiscrimination coordinator/Superintendent shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator/Superintendent shall respond to the complainant in writing within 10 working days.

The coordinator/Superintendent shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator/Superintendent may designate up to 10 additional working days for investigation of the complaint.

Level III

If the complaint cannot be resolved at Level II, either party may present the complaint to the Superintendent or designee within 10 working days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from district staff. The Superintendent or designee shall respond to the complaint in writing within 10 working days.

If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to 10 additional working days for such investigation and shall respond to the complaint in writing within 10 working days of completing the investigation.

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT
(continued)

Level IV

If the matter is not resolved at Level III, either party may file a written appeal to the Board within 10 working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels.

The Board shall grant the hearing request for the next regular Board meeting for which the matter can be placed on the agenda. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

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

Legal Reference: (see next page)

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT
(continued)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

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

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

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

12101 - 12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101 - 35.190 Americans with Disabilities Act

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

Revised: May 15, 2008

REASONABLE ACCOMMODATION

Definitions

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

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

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

Requests for reasonable accommodation may first be considered informally by the site administrator. If an accommodation cannot be made at the site because it would impose undue hardship or because of a lack of funds, the site administrator shall ask that the request be submitted in writing to the district's Superintendent. The site administrator shall provide the employee or applicant with any assistance he/she may need in order to submit this request.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

Reasonable accommodation may consist of a modification or adjustment to a job, a work environment or customary work practices and may include, but is not limited to:

1. Job restructuring
2. Part-time or modified work schedules
3. Reassignment to a vacant position
4. Acquisition or modification of equipment or devices
5. Appropriate adjustment or modification of examinations
6. The provision of qualified readers or interpreters

REASONABLE ACCOMMODATION (continued)

7. Use of accrued paid leave or unpaid leave for necessary treatment
8. Reserved parking space for persons with mobility impairment
9. Making existing facilities accessible and usable.

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

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

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

REASONABLE ACCOMMODATION (continued)

Requests for Reasonable Accommodation

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

Sam Chimento, Superintendent
Palermo Union School District
7390 Bulldog Way
Palermo, CA 95968
Telephone: (530) 533-4842, ext. 7

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

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

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

When the disability and/or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the district to submit a list of specific questions to the health care or vocational professional.

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

REASONABLE ACCOMMODATION (continued)

Upon receiving a request to reasonably accommodate the physical or mental disability of a district employee or qualified job applicant, the Superintendent shall:

1. Determine the essential functions of the job
2. Consult with the employee or applicant to determine his/her precise limitations and how they may be mitigated
3. With the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness and
4. Develop a plan for reasonable accommodation which is effective and allows the employee to perform the essential functions of the job or to gain equal access to a benefit or privilege of employment and does not impose undue hardship on the district

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

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

The Superintendent shall notify the employee or applicant of the results of his/her determination.

Appeal Process

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

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

REASONABLE ACCOMMODATION (continued)

The Superintendent shall provide the Governing Board with any available supporting documents. The Governing Board shall give the employee or applicant the decision within 15 working days of receiving the appeal.

Legal Reference:

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

36.101-36.608 Nondiscrimination on the basis of disability by public facilities

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Direct threat

COURT DECISIONS

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

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

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

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

WEB SITES

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

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

Regulation
approved: July 10, 2001
Revised: May 15, 2008

PALERMO UNION SCHOOL DISTRICT
Palermo, California

EMPLOYEE USE OF TECHNOLOGY

The Governing Board recognizes that technology can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating operations. The Board expects all employees to learn to use the available electronic resources that will assist them in their job responsibilities. As needed, staff shall receive training in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)
(cf. 1113 - District and School Web Sites)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6162.7 - Use of Technology in Instruction)

Employees shall be responsible for the appropriate use of technology and shall use the district's electronic resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

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

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. This technology should not be used to transmit confidential information about students, employees, or district operations.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

Online/Internet Services

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

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

EMPLOYEE USE OF TECHNOLOGY (continued)

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of technology. Employees who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account and legal action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

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

The Superintendent or designee may establish guidelines and limits on the use of technological resources. Inappropriate use 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.

The Superintendent shall ensure that all employees using these resources receive copies of related policies, regulations and guidelines. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations and guidelines.

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

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

(cf. 4143/4243 - Negotiations/Consultation)

Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

(cf. 3513.1 - Cellular Phone Reimbursement)

(cf. 3542 - School Bus Drivers)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Legal Reference: (see next page)

BP 4040(c)

EMPLOYEE USE OF TECHNOLOGY (continued)

Legal Reference:

EDUCATION CODE

11600-11609 *Education Technology Grant Program Act of 1996*

51870-51874 *Education Technology*

GOVERNMENT CODE

3543.1 *Rights of employee organizations*

PENAL CODE

632 *Eavesdropping on or recording confidential communications*

UNITED STATES CODE, TITLE 20

6801-7005 *Technology for Education Act of 1994*

Management Resources:

CDE PUBLICATIONS

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

CDE PROGRAM ADVISORIES

1223.94 *Acceptable Use of Electronic Information Resources*

Policy
adopted: July 10, 2001
Revised: April 16, 2009

PALERMO UNION SCHOOL DISTRICT
Palermo, California

EMPLOYEE USE OF TECHNOLOGY

User Obligations and Responsibilities

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

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Employees shall keep personal or student account numbers, home addresses and telephone numbers private. Users shall use the system only under the-account number to which they have been assigned.
2. Employees shall use the system only for purposes related to their employment with the district. Commercial, political and/or personal use of the system is strictly prohibited. The district reserves the right to monitor any on-line communications for improper use.
3. Users shall not use the system to promote unethical practices or any activity prohibited by law or Board Policy, Administrative Regulations
4. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, gender, sexual orientation, age, disability, religion or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

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

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

5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use ~~only~~ and only in accordance with copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

6. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy district equipment or materials or the data of any other user.
7. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.

EMPLOYEE USE OF TECHNOLOGY (continued)

8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the district or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the district is not responsible for the content of the messages. The district retains the right to delete material on any such online communications.

(cf. 1113 - District and School Web Sites)

9. Users are encouraged to keep messages brief.
10. Users shall report any security problem or misuse of the network to the Superintendent or designee.

(cf. 6163.4 - Student Use of Technology)

Regulation
approved: July 10, 2001
Revised: April 16, 2009

PALERMO UNION SCHOOL DISTRICT
Palermo, California

CERTIFICATED PERSONNEL

The Governing Board recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

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

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

(cf. 4115 - Evaluation/Supervision)

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

(cf. 4131 - Staff Development)

Policies, rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

Legal Reference:

EDUCATION CODE

90 Definition, certificated and certified

44006 Certificated person

44490-44497 Mentor teacher program

GOVERNMENT CODE

3543.2 Scope of representation

RECRUITMENT AND SELECTION

The Governing Board desires to employ the most highly qualified person available for each open position. The Superintendent shall develop recruitment and selection procedures which include:

1. Assessment of the district's needs for specific skills, knowledge and abilities
2. Development of job descriptions which accurately describe all essential and marginal functions and duties of each position

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

3. Dissemination of vacancy announcements to ensure a wide range of candidates
4. Screening procedures which identify the best possible candidates for interviews
5. Interview procedures which determine the best qualified candidate for recommendation to the Board

The Superintendent shall recommend only those candidates who meet all qualifications established by law and the Board for the position. Nominations for employment shall be based upon screening devices, interviews, observations and recommendations from previous employers.

No inquiry shall be made with regard to the age, gender, race, color, religion, national origin, medical condition, disability or sexual orientation of a person seeking employment. During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Reasonable Accommodation)

District employment practices shall not discriminate against legal noncitizen residents. Inquiries to assure employment eligibility shall be made in accordance with Board policy and administrative regulation.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

No person shall be employed by the Board without the recommendation or endorsement of the Superintendent, who shall present one candidate to the Board for approval.

Legal Reference: (see next page)

BP 4111(b)

RECRUITMENT AND SELECTION (continued)

Legal Reference:

EDUCATION CODE

200-261 *Prohibition of discrimination on the basis of sex*

44066 *Limitations on certification requirement*

44259 *Teaching credential; exception; designated subjects; minimum requirements*

44830 *Employment of certificated persons*

44830.5 *Assignment of certificated employees to district; ethnic ratio*

44858 *Age or marital status in employment positions requiring certification qualifications*

44859 *Prohibition against certain rules and regulations re residency*

CODE OF REGULATIONS, TITLE 5

30-31 *Affirmative action employment programs*

GOVERNMENT CODE

12900 *Unlawful employment practices*

12940-12956 *Discrimination prohibited; unlawful practices*

UNITED STATES CODE, TITLE 8

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

1986 and Immigration Act of 1990

UNITED STATES CODE, TITLE 42

12101 *et seq. Americans With Disabilities Act*

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

2000h-2 *et seq. Title IX, 1972 Education Act Amendments*

Policy
adopted: July 10, 2001
All Personnel

PALERMO UNION SCHOOL DISTRICT
Palermo, California
BP 4111.2
4211.2
4311.2

LEGAL STATUS REQUIREMENT

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

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

Legal Reference:

UNITED STATES CODE, TITLE 8
1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990
CODE OF FEDERAL REGULATIONS, TITLE 8
274(a) Control of Employment of Aliens

Policy
adopted: July 10, 2001
All Personnel

PALERMO UNION SCHOOL DISTRICT
Palermo, California
AR 4111.2(a)
4211.2
4311.2

LEGAL STATUS REQUIREMENT

When being hired by the district for any kind of work, prospective employees shall be informed that they will be asked, within three days of employment, to show documents which certify their work eligibility and identity. Persons employed for three days or less must provide such documentation on their first day. This documentation may consist of one item in group A below, or two items, one from group B and one from group C below.

Group A - Documents Establishing Both Work Authorization and Identity

1. A United States passport, unexpired or expired
2. A Certificate of U.S. Citizenship (INS Form N-560 or N-561)
3. A Certificate of Naturalization (INS Form N-550 or N-570)
4. An unexpired foreign passport with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization
5. An Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
6. An unexpired Temporary Resident Card (INS Form I-688)
7. An unexpired Employment Authorization Card (INS Form I-688A)
8. An unexpired Reentry Permit (INS Form I-327)
9. An unexpired Refugee Travel Document (INS Form I-571)
10. An unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)

Group B - Documents Establishing Identity

1. A driver's license or ID card issued by a state or outlying possession of the United States, provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address
2. An ID card issued by federal, state or local government agencies or entities. provided it contains a photograph or information such as name, date of birth, sex, height, eye color and address
3. A school ID card with a photograph
4. A voter's registration card

AR 4111.2(b)
4211.2
4311.2

LEGAL STATUS REQUIREMENT (continued)

5. A U.S. military card or draft record
6. A military dependent's ID card
7. A U.S. Coast Guard Merchant Mariner Card
8. Native American tribal documents
9. A driver's license issued by a Canadian government authority

Group C - Documents Establishing Work Eligibility

1. A U.S. Social Security card issued by the Social Security Administration, other than one stating it is not valid for employment
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350)
3. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States, bearing an official seal
4. A Native American tribal document
5. A U.S. Citizen ID Card (INS Form I-197)
6. An ID Card for use of Resident Citizen in the United States (INS Form I-179)

7. An unexpired employment authorization document issued by the INS, other than those listed in Group A

If a minor has a work authorization document but does not have any of the identity documents in Group B, he/she may establish identity by means of a school record or report card; clinic, doctor or hospital record; or a day-care or nursery school record. Lacking any of these, he/she still may work, provided that a parent/guardian completes Section 1 of Form I-9 for the minor. In the space for the minor's signature, the parent/ guardian must write "minor under age 18." The parent/guardian also must complete the "Preparer/Translator Certification" section. In Section 2 under List B after the words "Document #," the personnel officer should write "minor under age 18."

AR 4111.2(c)
4211.2
4311.2

LEGAL STATUS REQUIREMENT (continued)

If unable to provide satisfactory documentation, the employee shall furnish a receipt indicating that the needed document has been requested. This receipt must be presented within three days of the hire, and the document itself must be provided within 90 days of the hire.

The personnel officer shall examine the documents presented and record the expiration date as it appears on all work authorization permits. This expiration information shall be subsequently flagged so as to remind the personnel officer to verify that the permit has been renewed and that the employee is still eligible to work.

Should an employee present two documents on which the individual's name is not the same, the personnel officer shall ask to see documentation of name change, such as would be provided by a marriage license, divorce papers, court order or other legal document verifying the name change.

After examining the documents presented, the personnel officer shall copy them. Such copies shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

To protect full confidentiality, the personnel officer shall seal these copies in an envelope on which the following message has been printed:

"The enclosed documents, provided only to verify work eligibility for (name of employee), were examined on (date) by (signature). This sealed envelope may be opened only by the Superintendent. Refer to BP/AR 4111.2/4211.2/4311.2 for current regulations."

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

The personnel officer shall ask the employee to complete and sign INS Form I-9.

The personnel officer shall complete and sign the I-9 form and shall assure that it is kept until a full year after the employee leaves the job.

All I-9 forms shall be kept together in a separate file for at least three years from the hiring date. I-9 forms shall be kept for all employees hired after November 6, 1986.

I-9 forms shall be available for inspection upon request by officers of the Immigration and Naturalization Service or the Department of Labor. Other personnel documents shall not be made available to government agents unless they present a warrant or subpoena.

AR 4111.2(d)
4211.2
4311.2

LEGAL STATUS REQUIREMENT (continued)

The Superintendent shall open the sealed envelope containing copies of an employee's work authorization documents only in connection with inquiries by the INS.

In order to avoid the loss of any employer rights, all communications received from the Immigration and Naturalization Service shall be answered within 30 days.

Regulation
approved: July 10, 2001
Certificated Personnel

PALERMO UNION SCHOOL DISTRICT
Palermo, California
AR 4112.1

CONTRACTS

When initially employed, certificated employees shall receive a written statement of their employment status and salary. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

(cf. 4121 - Temporary/Substitute Personnel)

Reemployment Notices

By May 30 of each year, the secretary of the Board may give, or mail by certified mail with return receipt requested, written notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. This notice shall include a copy of Education Code 44842. If an employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the employee may be deemed to have declined reemployment and the employee's services may be terminated on June 30 of that year. (Education Code 44842)

(cf. 4113 - Assignment)
(cf. 4117.2/4217.2/4317.2 - Resignation)
(cf. 4117.4 - Dismissal)
(cf. 9122 - Secretary)

Employee Notification

By May 15 of each year, each classroom teacher shall notify the Superintendent or designee of his/her intent to return to a teaching position for the next school year. (Education Code 44832)

An employee on leave of absence shall notify the district of his/her intent to remain in service the following year in accordance with law, Board policy and administrative regulation.

(cf. 4161/4261 - Leaves)

Legal Reference:

EDUCATION CODE

44832 Teachers; notice of intent to return

44842 Failure to provide notice or to report to work

44843 Notice of employment (to county superintendent)

44916 Time of classification; statement of employment status

44929.20 Continuing contract-districts w/less than 250 ADA

44955 Reduction in number of employees

Regulation

approved: July 10, 2001

Certificated Personnel

PALERMO UNION SCHOOL DISTRICT

Palermo, California

BP 4112.2(a)

CERTIFICATION

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications have the appropriate credential or permit authorizing their employment in such positions.

(cf. 4111 - Recruitment and Selection)

(cf. 4112.21 - District Interns)

(cf. 4113 - Assignment)

(cf. 4116 - Probationary/Permanent Status)

(cf. 4121 - Temporary/Substitute Personnel)

(cf. 4131.5 - Professional Growth)

(cf. 5148 - Child Care and Development)

When fully credentialed individuals are not available, the district may employ persons with emergency permits in accordance with law.

The Superintendent shall develop a plan to facilitate and support the professional development of persons with emergency permits so that they may become fully qualified teachers.

National Board for Professional Teaching Standards Certification Incentive Program

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

(cf. 4131.6/4231.6/43331.6 - Professional Development Program)

The Superintendent shall inform district teachers and teachers working in charter schools affiliated with the district about the program and shall make application and information materials available. (Education Code 44395)

(cf. 0420.4 - Charter Schools)

Legal Reference: (see next page)

BP 4112.2(b)

CERTIFICATION (continued)

Legal Reference:

EDUCATION CODE

8360-8370 *Qualifications of child care personnel*

32340-32341 *Unlawful issuance of a credential*

44066 *Limitations on certification requirements*

44227 *Teacher education courses for out-of-state applicants*

44250-44279 *Credential types, especially:*

44251 *Period of credentials*

44252 *Standards and procedures for issuance; proficiency testing of basic skills*

44252.5 *State basic skills assessment required for certificated personnel*

44259 *Minimum requirements for teaching credential*

44274-44274.5 *Out-of-state credentials*

44275.3 *Employment of teachers with out-of-state credentials*

44277 *Requirements for maintaining valid credentials*

44278 *Credential appeal*

44300-44301 *Emergency permits*

44305 *Pre-internship teaching certificates*

44325-44329 *District interns*

44330-44355 *Certificates and credentials*

44395-44397 *National Board for Professional Teaching Standards certification incentive program*
44400-44405 *California Mathematics Initiative for Teaching*
44830 *Employment of certificated persons; requirement of proficiency in basic skills*
44830.3 *Employment of district interns*
44857 *Registration of certification document*
56060-56063 *Substitute teachers in special education*
CODE OF REGULATIONS, TITLE 5
80023-80027 *Emergency permits*

Management Resources:

CTC ADVISORIES

CTC memo #94-9414, August 15, 1994

WEB SITES

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

CTC: <http://www.ctc.ca.gov>

Policy
adopted: July 10, 2001
Certificated Personnel

PALERMO UNION SCHOOL DISTRICT
Palermo, California
AR 4112.2(a)

CERTIFICATION

Registration

Each person employed by the district for a position requiring certification qualifications shall, prior to employment, register with the county office of education a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials immediately upon renewal. (Education Code 44330, 44857)

Basic Skills Proficiency Test

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

The state basic skills proficiency test shall not be required of the following: (Education Code 44830)

1. A certificated person who was employed in a position requiring certification in another school district within 39 months of his/her employment in this district
2. A person employed solely for purposes of teaching adults in an approved apprenticeship program
3. The holder of an adult education designated subject credential for nonacademic subjects employed in an instructional setting for 20 hours or less per week
4. The holder of a child care permit or a permit authorizing service in a development center for the disabled, as long as the permit holder is not required to have a baccalaureate degree
5. The holder of a credential to provide service in the health profession, as long as this person does not teach in the public schools
6. The holder of a vocational designated subject credential when the proficiency test is not administered at the time of hiring, on the condition that he/she will take the test at its next local administration
7. The holder of a vocational designated subject credential who does not pass the basic skills proficiency test, as long as he/she retakes and passes the test within one year
8. A credential holder who seeks an additional credential or authorization to teach
9. For a maximum period of one year, a certificated person employed under a foreign exchange program

AR 4112.2(b)

CERTIFICATION (continued)

10. A certificated teacher who has not yet been afforded the opportunity to take the test, in which case the person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his/her test results

Out of State Credentials

The district may employ a teacher who holds a credential from another state if all of the following conditions are met: (Education Code 44275.3)

1. The teacher holds a valid credential from another state which has requirements equivalent to the multiple and single subject credential requirements in Education Code 44227, or the California special education credential requirements in Education

Code 44265, and is certified by the National Board for Professional Teaching Standards.

2. The out-of-state credential is valid at the time the teacher begins to provide instructional services for the district.
3. The teacher successfully completes a criminal background check pursuant to Education Code 44332.6.

(cf. 4112.5/4312.5 - Criminal Record Check)

Teachers employed under these conditions must pass the state basic skills proficiency test described above within one year of teaching in the district. Before completing their fourth and fifth years of teaching, they must also meet requirements for subject matter competence, course completion and examinations in accordance with law. (Education Code 44275.3)

Emergency 30-Day Substitute Teaching Permits

The district may employ persons with an emergency 30-day substitute permit for 30 days or less in positions requiring certification. Persons with an emergency substitute permit may be employed for 20 days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction. (Education Code 56061; 5 CCR 80025)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the 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(s) do not meet the district's specified employment criteria. (5 CCR 80025)

AR 4112.2(c)

CERTIFICATION (continued)

Emergency Teaching or Specialist Permits

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs. The Board shall submit to the Commission on Teacher Credentialing a declaration of need for fully qualified educators which shall be adopted by the Board as a separate item, not a consent item, during a regularly scheduled public Board meeting. (Education Code 44300, 56061; 5 CCR 80025, 80026)

The Board's adopted declaration of need for fully qualified educators shall include: (5 CCR 80026)

1. The title(s) and number of each type of emergency permit that the district estimates it will need during the year, based on previous year actual needs and enrollment projections, including each subject to be listed on emergency single subject teaching permits and the target language on emergency multiple subject or single subject teaching permits with bilingual crosscultural emphasis
2. A brief description of efforts the district has made to locate and recruit individuals who hold the needed credentials
3. A description of efforts the district has made to establish alternative training options, including:
 - a. The names of institutions of higher education cosponsoring internships or other certification programs with the district or a brief explanation of why there are no such programs
 - b. A statement of whether the district has considered developing a plan to develop fully qualified educators in cooperation with other education agencies in the region pursuant to 5 CCR 80026.4, or a brief explanation of why the district has not considered such a plan
4. Certification that there is an insufficient number of certificated persons who meet the district's specified employment criteria to fill necessary positions

(cf. 0510 - School Accountability Report Card)

AR 4112.2(d)

CERTIFICATION (continued)

The Superintendent or designee shall provide an orientation for employees who are obtaining emergency teaching or specialist permits for the first time. This orientation shall include at least an overview of the curriculum that the teacher is expected to teach and effective techniques of classroom instruction and management at the teacher's assigned level. (Education Code 44300; 5 CCR 80026.5)

Whenever possible, the orientation shall occur before the teacher begins his/her teaching assignment. The Superintendent or designee shall also assign an experienced educator to

guide and assist the teacher. This person shall be a certificated district employee or a certificated retiree of a California school district or county office of education and must have at least three full years of full-time classroom teaching experience or the equivalent. (Education Code 44300; 5 CCR 80026.5)

The Superintendent or designee shall inform applicants for emergency teaching or specialist permits that the district will provide the above orientation, guidance and assistance. They shall be given the name or position of the person responsible for providing this guidance and assistance. They shall also be informed that in order for their permits to be renewed, they must be admitted to a professional preparation program approved by the Commission on Teacher Credentialing and must complete a minimum of six semester units, or nine quarter units, of course work for the related credential. For first-time renewals, applicants may instead complete 90 hours in the professional development program that fulfills the district's plan to develop fully qualified educators, if available. (5 CCR 80026.1)

Regulation
approved: July 10, 2001
Certificated Personnel

PALERMO UNION SCHOOL DISTRICT
Palermo, California
AR 4112.21

DISTRICT INTERNS

University Internship Program

The Board may employ persons with appropriate internship certification from the Commission on Teacher Credentialing to provide the same service at the same levels as the regular credential authorizes. (Education Code 44454)

The Superintendent shall seek the assistance of the college or university in coordinating the intern's program. (Education Code 44465)

The Superintendent also may enter into agreements to employ competent and qualified college and university staff members to supervise and guide interns as they pursue their district responsibilities. (Education Code 44461)

Salary payments for supervision of interns may be made out of district funds and may be met by reducing proportionately the salaries paid interns in the manner provided by law. (Education Code 44462)

Prior to enrollment in any college or university program to renew the internship credential, the Superintendent shall counsel with the intern and jointly plan a total program for the first and subsequent renewals. The program shall meet the instructional or service needs of the district with the primary objective being to increase the effectiveness of the intern in the district. (Education Code 44457, 44458)

The district shall seek the cooperation of public and private colleges and universities, especially those within the geographic service area of the district, for the establishment of courses and classes necessary for renewal. (Education Code 44459)

Legal Reference:

EDUCATION CODE

44450-44467 Teacher Education Internship Act of 1967 (university interns)

Regulation
approved: July 10, 2001

PALERMO UNION SCHOOL DISTRICT
Palermo, California

Personnel

AR 4112.22(a)
4212.22

STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY: ENGLISH LEARNER (EL)

Teacher Qualifications

The Superintendent or designee shall ensure that a teacher providing instruction for ELD, SDAIE, and/or content instruction in any student's primary language possesses the appropriate authorization issued by the Commission on Teacher Credentialing (CTC). All K-8 teachers within the District who are providing direct classroom instruction, or are authorized to provide classroom instruction, shall have a California English Learner authorization. Teachers failing to obtain appropriate authorization may be subject to sanctions including, but not limited to, involuntary unpaid leave and/or dismissal.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)
(cf. 4113 - Assignment)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 6174 - Education for English Language Learners)

Definitions

Instruction for English language development (ELD) means instruction designed specifically for limited-English-proficient students to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient students. (Education Code 44253.2)

Content instruction delivered in the primary language means instruction in a subject area delivered in the primary language of the student. (Education Code 44253.2)

Demonstration of Educational Results (CDE Option 1)

The district shall provide data demonstrating that English Learner (EL) or former EL students are performing at a level equal to or above that of all students statewide, or that current LEP students are learning at a sufficiently rapid pace to close the gap between their performance and that of all students.

(cf. 6162.5 - Student Assessment)

**STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY:
ENGLISH LEARNER (EL) (continued)**

Instruction by Credentialed Teachers (CDE Option 2)

Appropriately credentialed teachers shall provide English language development (ELD) and/or primary language instruction.

(cf. 4112.2 - Certification)

A teacher shall be considered qualified to provide specially designed content instruction delivered in English if he/she meets both of the following conditions: (Education Code 44253.10)

1. The teacher as of January 1, 1999 is a permanent employee of the district or was previously a permanent employee and then was employed in any California public school district within 39 months of the previous permanent status.
2. The teacher has completed 45 hours of staff development, prior to January 1, 2005, in methods of specially designed content instruction delivered in English.

(cf. 4116 - Probationary/Permanent Status)

A teacher who has completed the above training may provide instruction for English language development in a self-contained classroom if he/she has accomplished one or both of the following: (Education Code 44253.10)

1. Has taught for at least nine years in California public schools, certified that he/she has had experience or training in teaching EL students, and authorized verification by the entity that issued a certificate of completion for the staff development
2. Has completed, within three years of completing the staff development described above, an additional 45 hours of staff development, including English language development training

A teacher may be provisionally assigned to provide instruction for ELD or SDAIE during the period that he/she is pursuing training to complete a Certificate of Completion of Staff Development pursuant to Education Code 44253.10 or 44253.11.

**STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY:
ENGLISH LEARNER (EL) (continued)**

Local Designation of Qualified Teachers (CDE Option 3)

Teachers providing English language development and/or primary language instruction shall meet district criteria for teacher proficiencies which have been approved by the California Department of Education, including Cross Cultural, Language and Academic Development (CLAD), Bilingual Cross Cultural, Language and Academic Development (B-CLAD) or Certificate of Authorization.

Plan to Remedy the Shortage of Qualified Teachers (CDE Option 4)

The Superintendent shall develop a plan to remedy the district's shortage of qualified teachers in accordance with law and with California Department of Education approval. This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual cross-cultural teaching methodology, and the acquisition of the primary languages of EL students. As part of this plan, appropriately qualified bilingual paraprofessionals may be teamed with regular teachers. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program also shall address the needs of teachers who instruct EL students on an interim basis.

(cf. 4112.21 - District Interns)
(cf. 4222 - Teacher Aides/Paraprofessionals)

When the district is unable, after good faith efforts, to obtain the human and material resources necessary to provide instructional and support services for EL students, the district shall request a waiver from the State Board of Education under the General Waiver Authority. (Education Code 33050)

(cf. 1431 - Waivers)

Whenever there are fewer than 51 students of a particular language group in the district or fewer than 21 students of a particular language group in any school, the Superintendent may design special instructional services and staff training programs in concert with the California Department of Education's Bilingual Education Office.

(cf. 4113 - Assignment)

(cf. 4131 - Staff Development)
(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference: (see next page)

AR 4112.22(d)
4212.22

STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY: ENGLISH LEARNER (EL) (continued)

Legal Reference:

EDUCATION CODE

10600-10610 California Education Information System

33050 Request for waiver of code provisions

44225 Duties of the Commission on Teacher Credentialing

44253.1-44253.10 Certification for bilingual-crosscultural competence

44380-44386 Alternative certification

44760-44763 Teacher supply and demand reporting

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62000-62005.5 Evaluation and sunseting of programs

CODE OF REGULATIONS, TITLE 5

80680-80690.1 Staff development programs for teachers of English learners

UNITED STATES CODE, TITLE 20

1701-1704 Equal Educational Opportunities

COURT DECISIONS

Teresa P. et al v. Berkeley Unified School District et al, (1989) 724 F.Supp. 698

Management Resources:

CDE PROGRAM ADVISORIES

0300.97 Programs for English Learners

0210.89 Changes Regarding Limited-English Proficient Program

0520.88 State Program for Students of Limited English Proficiency, CCP: 87/8-14

CDE PUBLICATIONS

Remedying the Shortage of Teachers for LEP Students, 1991

Option 1 Alternatives: Technical Standards and Recommended Practices for Development of

Outcome-Based Assessment of District Services to LEP Students, 1991

Local Designation of Qualified Teachers, LEP Staffing Option 3, 1989

A Resource Guide, Plan to Remedy the Shortage of Qualified Teachers (Option 4), 1991

Regulation
approved: July 10, 2001
Revised: March 17, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

SPECIAL EDUCATION STAFF

Resource Specialists

The Governing Board shall employ certificated resource specialists to provide services, where required by law, for students who have exceptional needs, their parents/guardians, and school staff.

The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 3541.2 - Transportation for Students with Disabilities)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)*
- (cf. 6159 - Individualized Education Program (IEP))*
- (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)*
- (cf. 6159.3 - Appointment of Surrogate Parent for Special Education)*
- (cf. 6164.4 - Identification of Individuals for Special Education)*

Legal Reference:

EDUCATION CODE

- 56195.8 Adoption of policies*
 - 56361 Program options*
 - 56362 Resource specialist program, contents, direction; resource specialists, case-loads, assignments, instructional aide; pupil enrollment*
 - 56362.1 Caseload*
 - 56362.5 Resource specialist certificate of competence*
 - 56362.7 Bilingual-crosscultural certificate of assessment competence*
 - 56363.3 Average caseload limits*
 - 56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)*
 - 56728.6 Instructional personnel funding*
 - 56728.8 Instructional personnel funding; services to infants*
- CODE OF REGULATIONS, TITLE 5
- 3051.1 Language, speech and hearing development and remediation; appropriate credential*

SPECIAL EDUCATION STAFF

Qualifications/Assignment of Special Education Teachers

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization issued by the Commission on Teacher Credentialing (CTC) that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education program (IEP). (5 CCR 80046.5, 80048.7)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

(cf. 6159 - Individualized Education Program)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act. (20 USC 1401, 6319, 7801; 34 CFR 200.55-200.57, 300.18; 5 CCR 6100-6126)

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

The Superintendent or designee may request the Commission on Teacher Credentialing (CTC) to issue a special education limited assignment teaching permit to authorize a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. In so doing, the district shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder. (5 CCR 80027.1)

The district may employ a person with an appropriate district internship credential to provide classroom instruction to students with disabilities, provided he/she has met the subject matter requirement specified in Education Code 44325 and receives guidance, supervision, and professional development through an established district internship program. (Education Code 44325, 44326, 44830.3)

(cf. 4112.21 - Interns)

SPECIAL EDUCATION STAFF (continued)

Resource Specialists

The district shall employ certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to: (Education Code 56362)

1. Providing instruction and services to students whose needs have been identified in an IEP and who are assigned to regular classroom teachers for a majority of the school day

A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.

2. Providing information and assistance to students with disabilities and their parents/guardians
3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members
4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program
5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate sufficient progress to the IEP team

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes. (Education Code 56362)

The district's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362 and 5 CCR 80070.8. (Education Code 56362)

Teachers of Students with Autism

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

In addition, a teacher whose education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment: (Education Code 44265.1)

SPECIAL EDUCATION STAFF (continued)

1. The teacher has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the district or school to teach students with autism.
2. The teacher has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

The Superintendent or designee shall report teachers assigned under the criteria specified in items #1 and 2 above to the county office of education as part of the annual assignment monitoring pursuant to Education Code 44258.9. (Education Code 44265.1)

The Superintendent or designee may employ and assign a teacher to provide instruction to students age 3-4 who are diagnosed with autism if the teacher holds a valid preliminary Level I or clear Level II education specialist credential, is authorized to provide instruction to students with autism, and satisfies either of the criteria listed in items #1 and 2 above, except that the prior service shall have been with autistic students age 3-4 or the completed coursework shall have been in the subject of special education related to early childhood education. (Education Code 44265.2)

Verification of experience or coursework for any teacher of autistic students shall be maintained on file in the district or school office. (Education Code 44265.1, 44265.2)

AB 2160 (Ch. 134, Statutes of 2010) amended Education Code 44265.1 to extend the operative date of this provision until October 1, 2013.

Added Authorizations in Special Education (AASE)

Effective July 3, 2011, the CTC established an Added Authorization in Special Education (AASE) 5 CCR 80048.7 allows special education credential holders to obtain added authorizations in the following areas: Autism Spectrum Disorders, Deaf-Blind, Emotional Disturbance, Orthopedically Impaired, Other Health Impaired, Traumatic Brain Injury. Teachers who receive an added authorization may be assigned to serve students in the broad specialty area pursuant to their credential and in the specific area of the added authorization.

All K-8 special education teachers shall possess the appropriate authorization that authorizes teaching students assigned to them by October 1, 2013. Teachers failing to obtain appropriate authorization may be subject to sanctions including, but not limited to, involuntary unpaid leave and/or dismissal.

SPECIAL EDUCATION STAFF (continued)

Caseloads

The Superintendent or designee shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or the comprehensive plan of the Special Education Local Plan Area (SELPA) in which the district participates.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4141/4241 - Collective Bargaining Agreement)

No resource specialist shall have a caseload which exceeds 28 students. As necessary and with the agreement of the resource specialist, the Board may request a waiver from the State Board of Education to increase the caseload to no more than 32 students, AR provided that an individual resource specialist does not have a caseload exceeding 28 students for more than two school years and has the assistance of an instructional aide at least five hours daily during the period of the waiver. (Education Code 56362, 56362.1; 5 CCR 3100)

(cf. 1431 - Waivers)

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases unless otherwise specified and reasons stated in the SELPA plan. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 shall not exceed 40. (Education Code 56363.3, 56441.7)

Other special education caseloads are not set by law and may be determined through collective bargaining agreements or the policies and regulations of the SELPA in which the district participates.

Legal Reference: (see next page)

SPECIAL EDUCATION STAFF (continued)

Legal Reference:

EDUCATION CODE

44250-44279 *Credentials, especially:*

44256 *Credential types, specialist instruction*

44258.9 *Assignment monitoring*

44265-44265.99 *Special education credential*

44325-44329.5 *District interns*

56000-56865 *Special education, especially:*

56195.8 *Adoption of policies*

56361 *Program options*

56362-56362.5 *Resource specialist program*

56363.3 *Average caseload limits; language, speech, and hearing specialists*

CODE OF REGULATIONS, TITLE 5

3051.1 *Language, speech and hearing development and remediation; appropriate credential*

3100 *Waivers of maximum caseload for resource specialists*

6100-6126 *Teacher qualifications, No Child Left Behind Act*

80026 *Declaration of need for fully qualified educators*

80027.1 *Special education limited assignment teaching permit*

80046-80046.1 *Adapted physical education specialist*

80046.5 *Credential holders authorized to serve students with disabilities*

80048-80048.7 *Credential requirements and authorizations*

80070.1-80070.8 *Resource specialist certificate of competence*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act, especially:*

1401 *Definition of highly qualified special education teacher*

6319 *Highly qualified teachers*

7801 *Definitions, highly qualified teacher*

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 *Highly qualified teachers*

300.8 *Definition of autism*

300.18 *Highly qualified special education teachers*

300.156 *Special education personnel requirement*

Management Resources: (see next page)

SPECIAL EDUCATION STAFF (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Handbook on Developing and Implementing Early Childhood Special Education Programs and Services, 2001

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

09-16 Approval of Additions to Title 5 Regulations Pertaining to Added Authorizations in Special Education, July 23, 2009

09-15 Approval of Amendments to Title 5 Regulations Pertaining to General and Special Education Limited Assignment Teaching Permits, July 23, 2009

08-13 Alternative Route to Provide Special Education Services to Students with Autism Ages Three and 4, October 9, 2008

08-10 Alternative Route to Provide Special Education Services to Students with Autism, July 7, 2008

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Standards of Quality and Effectiveness for Education Specialist Credential Programs (including University Internship Options) and Clinical Rehabilitative Services Programs, 1996

WEB SITES

*California Association of Resource Specialists and Special Education Teachers:
<http://www.carsplus.org>*

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

California Speech-Language-Hearing Association: <http://www.csha.org>

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

All Personnel

AR 4112.3

4212.3

OATH OR AFFIRMATION

4312.3

All public employees are disaster service workers. As such, before beginning employment with the district, employees must take the oath or affirmation required by law. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all district employees are subject to disaster service activities as assigned to them by their supervisors. (Government Code 3100-3102)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

The Superintendent or designee shall administer the above oath when district employees are hired.

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

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

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation

44354 Administration of oath

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

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

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

Regulation

approved: July 10, 2001

PALERMO UNION SCHOOL DISTRICT

Palermo, California

All Personnel

E 4112.3
4212.3
4312.3

**SAMPLE
OATH OR AFFIRMATION**

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

(Signature)

Certified by:

(Person who administers the oath)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Recognizing the importance of teacher effectiveness in improving student achievement, the Governing Board desires to recruit and hire teachers who possess the subject matter knowledge and teaching skills required by the federal No Child Left Behind Act (NCLB) in programs for educationally disadvantaged students and for students in core academic subjects.

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

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

(cf. 4112.23 - Special Education Staff)

All teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds shall be "highly qualified," as defined by federal law and the State Board of Education, upon hire. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

(cf. 6171 - Title I Programs)

All teachers who were hired prior to the beginning of the 2002-03 school year in Title I programs to teach of academic subjects shall demonstrate that they are "highly qualified" not later than the end of the 2006-07 school year. (20 USC 6319, 7801; 34 CFR 200.55; 5 CCR 6100-6126)

Legal Reference:

EDUCATION CODE

44500-44508 Peer Assistance and Review Program for Teachers

44662 Performance evaluation; Stull Act review

44664 Teacher evaluation; program to improve performance

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staff permit

80021.1 Provisional internship permit

80089.3-80089.4 Subject matter authorizations

UNITED STATES CODE, TITLE 20

1401 Definition of highly qualified special education teacher

6311 Parental notifications

6312 District Title I plan

6314 Schoolwide programs

6315 Targeted assistance schools

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

200.61 Parent notification regarding teacher qualifications

300.18 Highly qualified special education teachers

Legal Reference continued: (see next page)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

Management Resources:

CSBA ADVISORIES

California's Implementation of the No Child Left Behind Act, July 2003

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

NCLB Teacher Requirements Resource Guide, March 1, 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

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

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

California Standards for the Teaching Profession, July 1997

U.S. DEPARTMENT OF EDUCATION GUIDANCE

New No Child Left Behind Flexibility: Highly Qualified Teachers, Fact Sheet, March 15, 2004

Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, revised October 5, 2006

WEB SITES

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

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

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

U.S. Department of Education, No Child Left Behind: <http://www.ed.gov/nclb>

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Definitions

Core academic subjects include English, reading or language arts, mathematics, science, history, and geography. (20 USC 7801)

Teacher new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or began an approved intern program, on or after July 1, 2002. (5 CCR 6100)

Teacher not new to the profession is a teacher who either graduated from an accredited institution of higher education and received a credential, or was enrolled in or had completed an approved intern program, before July 1, 2002. (5 CCR 6100)

Teacher Qualifications

To meet the teacher qualification requirements of the federal No Child Left Behind Act (NCLB) for staff teaching core academic subjects in Title I or non-Title I programs, a teacher shall meet all of the following conditions: (20 USC 6319, 7801; 34 CFR 200.55, 200.56, 300.18; 5 CCR 6101, 6104, 6110)

1. Hold at least a bachelor's degree
2. Hold a full credential or be currently enrolled in an approved intern program for less than three years

(cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)

3. Demonstrate subject matter competency in accordance with the applicable requirements below

(cf. 6171 - Title I Programs)

Subject matter competency shall be demonstrated in accordance with the following requirements based on the grade levels taught and the teacher's length of time in the profession:

1. An elementary teacher who is new to the profession shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC). (5 CCR 6102)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

2. An elementary teacher who is not new to the profession shall complete one of the following: (5 CCR 6103-6104)
 - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes
 - b. A high objective uniform state standard evaluation (HOUSSE), as described below, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher
3. A teacher assigned to teach 8th grade Algebra I shall pass or complete one of the following: (5 CCR 6111)
 - a. California Multiple Subject Teaching Credential with supplementary in mathematics.
 - b. California Multiple Subject Credential and a Single Subject Credential in mathematics.
 - c. A validated statewide subject matter examination certified by the CTC
 - d. University subject matter program approved by the CTC
 - e. Undergraduate major in the subject taught
 - f. Graduate degree in the subject taught
 - g. Coursework equivalent to the undergraduate major

To determine a teacher's fulfillment of the HOUSSE option as described in items #2, #4 and #5 above, the Superintendent or designee shall complete the following steps in the manner prescribed by the California Department of Education: (5 CCR 6104)

1. The Superintendent or designee shall summarize the teacher's years of experience in the grade span or subject, core academic coursework in the assigned grade span or subject, in-depth standards-aligned professional development, and service to the profession in the relevant core academic content area.

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

If this summation does not identify sufficient experience, coursework, professional development, or service to demonstrate subject matter competency, the evaluation shall include direct observation and portfolio assessment in the grade span or subject taught. The observation and portfolio assessment shall be used to determine whether the teacher meets Standard 3 (understanding and organizing subject matter for student learning) and Standard 5.1 (establishing and communicating learning goals for all students) of the California Standards for the Teaching Profession.

2. If the teacher does not satisfactorily meet Standards 3 and 5.1 of the California Standards for the Teaching Profession, subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers pursuant to Education Code 44500-44508 or other individualized professional development plan pursuant to Education Code 44664 aimed at assisting the teacher to meet Standards 3 and 5.1. (5 CCR 6104)

(cf. 4139 - Peer Assistance and Review)

A teacher who holds a supplementary authorization or is employed on a local teaching assignment shall meet the teacher qualification requirements of NCLB if he/she holds a California teaching credential and has demonstrated subject matter competency for the grade span and subject matter taught. (5 CCR 6116)

A teacher who has been determined by another school district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. (5 CCR 6120)

A teacher who has been determined to meet subject matter competency requirements outside of California shall be considered to have met those requirements for the particular subject and/or grade span in California. The date of issuance of a valid out-of-state credential shall be used to identify a teacher as new or not new to the profession. (5 CCR 6125)

A teacher prepared in a country other than the United States shall be considered to have met NCLB teaching requirements if he/she: (5 CCR 6126)

1. Holds a degree from a foreign college or university that is at least equivalent to a bachelor's degree offered by an American institution of higher education
2. Has completed a teacher preparation program that meets CTC requirements for out-of-country trained teachers

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

3. Demonstrates subject matter competency for the grade span and subjects taught through the same or equivalent processes and methods required of California teachers
4. Holds a California teaching credential

A teacher shall not meet the teacher qualification requirements of NCLB if he/she is teaching with a short-term staff permit, a provisional internship permit, or a state or local waiver for the grade or subject taught. (5 CCR 6115, 80021, 80021.1)

Certification of Compliance

All teachers teaching core academic subjects shall complete and sign a certificate of compliance and attach retain the appropriate documentation. The Superintendent or designee shall verify the information and signed original copy.

The principal of each school receiving Title I funds shall annually attest in writing as to whether the school is in compliance with federal requirements related to teacher qualifications. Copies of the attestation shall be maintained at the school and at the district office and shall be available to any member of the public upon request. (20 USC 6319)

District Plan for Highly Qualified Teachers

Within the Title I local educational agency plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements within the timelines established by law. As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet NCLB requirements. (20 USC 6312, 6319)

Parent 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: (20 USC 6311)

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT
(continued)

3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5145.6 - Parental Notifications)

In addition, the principal shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned to or has been taught for four or more consecutive weeks by a teacher of a core academic subject who does not meet NCLB teacher qualification requirements. (20 USC 6311; 34 CFR 200.61)

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

Attestation Regarding Qualifications Of Title I Teachers

5 CCR 6100-6115, added by Register 2004, No. 9, describe required qualifications for elementary, middle and secondary teachers who are “new” and “not new” to the profession; see AR 4112.24.

Instructions: The following certification must be annually completed and signed by each principal in a school that operates a Title I program pursuant to 20 USC 6314 (schoolwide programs) and 20 USC 6315 (targeted assistance schools).

School: _____ Principal: _____

I certify that all teachers hired after the first day of the 2002-03 school year to teach core academic subjects in a program supported by Title I funds meet the following qualifications:

1. Hold at least a bachelor’s degree
2. Have a credential or are currently enrolled in an approved intern program for less than three years
3. Have demonstrated subject matter competence as required by 5 CCR 6100-6115 for the grade level(s) taught and the teacher’s length of time in the profession

Signature of Principal

Date

TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT

PARENTAL NOTIFICATION OF TEACHER QUALIFICATIONS

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds under the federal No Child Left Behind Act (NCLB).

Under NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas.

This federal law requires the school to notify you that a teacher who has not yet completed the process for meeting NCLB requirements has taught your child for four or more consecutive weeks. However, the teacher is authorized to teach in California and is working toward completion of the requirements. Our school district continues to monitor teacher qualifications and to provide additional support and training, as necessary, to help teachers meet the requirements.

You may contact [insert school name] to request the qualifications of your child's teacher. If you have any questions, please contact [insert principal name] at [insert telephone number].

All Personnel

AR 4112.4

4212.4

HEALTH EXAMINATIONS

4312.4

New Employees

1. No person shall be initially employed unless he/she has placed on file with the district a certificate from a physician licensed under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis. The tuberculosis examination shall consist of an approved intradermal tuberculin test. An x-ray of the lungs shall be required only if the intradermal test is positive. (Education Code 49406)

Persons transferring from another district may fulfill tuberculosis examination requirements in either of the following ways: (Education Code 49406)

- a. By producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, or
 - b. By having the last employing school verify that it has on file a current certificate which contains that showing.
2. When a new employee in a position requiring certification has not previously been employed in such a position in California, he/she must have a medical certificate on file with the district. The certificate will state that the employee is free from any disabling disease which would render him/her unfit to instruct or associate with children. The certificate form may be obtained from the personnel services office. It must be filled out by a licensed physician and returned to the personnel services office by the physician. The medical examination referred to in the certificate must have been conducted within six months of the time when the certificate is filed. (Education Code 44839)

The cost of preemployment examinations shall be borne by the district. (Education Code 44839, 45122, 49406)

When an employee's religious belief prevents him/her from undergoing a physical examination, the district shall follow provisions of Education Code 49406.

Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years. (Education Code 49406)

Tuberculosis tests and other medical examinations required by the Superintendent shall be administered by a physician licensed under the Business and Professions Code and shall be provided by the district or at district expense. (Education Code 44839, 45122, 49406)

Regulation

PALERMO UNION SCHOOL DISTRICT

approved: July 10, 2001

Palermo, California

All Personnel

BP 4112.41

4212.41

EMPLOYEE DRUG TESTING

4312.41

The Governing Board maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

(cf. 4020 - Drug and Alcohol-Free Workplace)

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

Pre-Employment Drug/Alcohol Testing

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee’s pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

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

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

Legal Reference:

EDUCATION CODE

44839 *Medical certificate; periodic medical examination*

45122 *Physical examinations*

GOVERNMENT CODE

8350-8357 *Drug-free workplace*

12940 *Unlawful employment practices*

CODE OF REGULATIONS, TITLE 5

5504 *Medical certification procedures*

UNITED STATES CODE, TITLE 20

7101-7143 *Safe and Drug-Free Schools and Communities Act*

UNITED STATES CODE, TITLE 41

701-707 *Drug-Free Workplace Act*

COURT DECISIONS

Loder v. City of Glendale, (1997) 14 Cal. 4th 846

Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

Skinner v. Railway Labor Executives’ Assn., (1989) 489 U.S. 602

National Treasury Employees Union v. Von Raab, (1989) 109 S.Ct. 1384

All Personnel

AR 4112.41

4212.41

EMPLOYEE DRUG TESTING

4312.41

Pre-Employment Drug/Alcohol Screening

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test also shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.

Personnel

BP 4112.42 (a)
4212.42
4312.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

The Governing Board desires to take all possible steps to ensure district-provided transportation safety for district students and staff. The Superintendent shall establish a drug and alcohol testing program for all school bus drivers and any other employees who hold a commercial driver's license which is necessary to perform duties related to their employment with the district. This program shall be designed to fulfill the requirements of federal law and regulations.

(cf. 3540 - Transportation)
(cf. 3543 - Transportation Safety and Emergencies)

The district's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol testing of drivers. (49 USC 31306)

The Superintendent or designee shall contract for testing services and shall ensure that testing contractors and procedures are certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis and to conform to the requirements of federal law.

(cf. 3542 - School Bus Drivers)
(cf. 4020 - Drug and Alcohol-Free Workplace)

No driver may operate a district vehicle when his/her blood alcohol content is found to be .01 percent or greater. A driver shall not consume alcohol while on duty or for four hours prior to on-duty time and up to eight hours following an accident or until he/she undergoes a post-accident test, whichever occurs first. A driver shall not report for duty or remain on duty that requires performing safety-sensitive functions when the driver uses a controlled substance, unless so instructed by a physician. (49 CFR 382.205, 382.207, 382.209; Vehicle Code 34520.3; 13 CCR 1213.1)

Any drivers who tests positive for alcohol or drugs or who refuses to submit to a test shall be removed from safety-sensitive functions and subject to disciplinary action up to and including dismissal in accordance with law and administrative regulations.

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

BP 4112.42 (b)
4212.42
4312.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS (continued)

The Superintendent or designee shall ensure that each driver receives an explanation of the federal regulations and the district's policy and procedure in accordance with law. In addition, each driver shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information. (49 CFR 382.601)

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

VEHICLE CODE

34500 Applicable vehicles

34501.12 Motor carrier definition

34520 Motor carrier and driver compliance with federal testing requirements

UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs

382 Controlled Substance and Alcohol Use and Testing

395 Hours of Service of Drivers

Policy
adopted: July 10, 2001
Revised: June 2, 2010

PALERMO UNION SCHOOL DISTRICT
Palermo, California

Personnel

E 4112.42 (a)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

PROCEDURE MANUAL

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the district to implement a controlled substance testing program. The district will comply with these regulations and is committed to maintaining a drug-free workplace. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the district.

Specifically, it is the policy of the district that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on district premises, engaged in district business, while operating district equipment, or while under the authority of the district is strictly prohibited.

FMCSA states that **mandatory testing must apply** to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a US Department of Transportation (DOT) reportable accident or who are periodically or randomly elected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but also to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved. Disciplinary action will, however, be taken as necessary.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

I. PURPOSE

The purpose of this manual is to set forth the procedures for the implementation of controlled substances and alcohol use and testing of driver applicants and current drivers pursuant to the district's Drug and Alcohol Testing for School Bus Drivers policy.

Palermo Union School District's alcohol and drug program administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the Superintendent or designee.

II.

DEFINITIONS

When interpreting or implementing these procedures, or the procedures required by the Federal Motor Carrier Safety Administration (FMCSA) controlled substance testing regulations the following definitions apply:

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

"Collection site" means a place where individuals present themselves for the purpose of providing breath, body fluid, or tissue samples to be analyzed for specified controlled substances. This site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation or shipment of the samples to a laboratory.

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

"Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; or casual, intermittent or occasional drivers. For the purpose of pre-employment/pre-duty testing only, the term "driver" includes a person applying to an employer to drive a commercial motor vehicle.

"Drug" means any substance (other than alcohol) that is a controlled substance as defined in the section and 49 CFR, Part 40.

"FMCSA" means the Federal Motor Carrier Safety Administration; US Department of Transportation.

"Medical review officer" (MRO) means a licensed MD or DO with knowledge of drug abuse disorders that is employed or used by a motor carrier to conduct drug testing in accordance with this part.

"Performing a safety-sensitive function" means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

"Random selection process" means that alcohol and drug tests are unannounced; that every driver of a motor carrier subject to test-tests conducted annually shall equal or exceed ten percent (10%) for alcohol tests and fifty percent (50%) for drug test of the total number of drivers subject to testing of a motor carrier.

"Reasonable cause" means that the motor carrier believes the actions or appearance or conduct of a commercial motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance.

"Safety-sensitive function" means any of those on-duty functions set forth in CFR 49, Section 395.2.

"On duty time" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. "On duty time" shall include:

1. All time at a district facility or on any public property waiting to be dispatched, unless the driver has been relieved from duty;

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

2. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. SUBSTANCES PROHIBITED/PRESCRIPTION MEDICATIONS

- A. **Alcohol use** means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol which, when consumed, causes an alcohol concentration in excess of those prescribed by Part 382, Subpart B, (FMCSR) and Section IV of this policy.
- B. **Controlled substances:** In accordance with FMCSA rules, urinalysis will be conducted to detect the presence of the following substances:

Marijuana	Cocaine	Opiates
Amphetamines	Phencyclidine (PCP)	

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the recommendations established by the 49 CFR, Part 40, as amended October 1, 2010.

- C. **Prescription medications:** Drivers taking legally prescribed medications issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

In the sole discretion of the alcohol and drug program administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

IV. PROHIBITIONS

A. Alcohol Prohibitions

The new alcohol regulation prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing safety-sensitive functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.01 or greater.
4. Possession of alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
5. Use during 8 hours following an accident, or until he/she undergoes a post accident test.
6. Refusal to take a required test.

<p>NOTE: A driver found to have an alcohol concentration of 0.01 or greater shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that district policy has been violated, and the next occurrence could result in disqualification of a driver.</p>

B. Drug Prohibitions

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and the only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the alcohol and drug program administrator of any therapeutic drug use prior to performing a safety-sensitive function.

V. DRIVER APPLICANT (Pre-Employment) AND CURRENT DRIVER TESTING

- A. Applicant Testing: All driver applicants will be required to submit to and pass a breath alcohol test and a urine drug test as a condition of employment.

Offers of employment are made contingent upon passing the district's medical review, including the alcohol and drug test. Under no circumstances may a driver perform a safety-sensitive function until a confirmed negative result is received.

Pre-employment testing shall also be required of employees returning to work after a layoff or leave of absence period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

Driver applicant drug testing shall follow the collection, chain-of-custody and reporting procedures as set forth in 49 CFR, Part 40.

- B. Employee Drivers: Under all circumstances, when a driver is directed to provide either a breath test or urine sample in accordance with these procedures, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the driver will be immediately removed from the safety-sensitive function, and will be subject to further discipline or termination as appropriate.

1. Suspicion-based Testing:

- a. Reasonable Suspicion: If a driver is having work performance problems or displaying behavior that may be alcohol or drug-related, or is otherwise demonstrating conduct that may be in violation of the Policy where immediate management action is necessary, a supervisor, with the concurrence of the alcohol and drug program administrator, will require that driver to submit to a

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

- X Abnormally dilated or constricted pupils
- X Glazed stare - redness of eyes
- X Flushed face
- X Change of speech (i.e. faster or slower)
- X Constant sniffing
- X Increased absences
- X Redness under nose
- X Sudden weight loss
- X Needle marks
- X Change in personality (i.e. paranoia)
- X Increased appetite for sweets
- X Forgetfulness - performance faltering - poor concentration
- X Borrowing money from coworkers or seeking an advance of pay or other unusual display of need for money
- X Constant fatigue or hyperactivity
- X Smell of alcohol
- X Slurred speech
- X Difficulty walking
- X Excessive, unexplained absences
- X Dulled mental processes
- X Slowed reaction rate

b, **Supervisors must take action** if they have reason to believe one or more of the above-listed conditions is indicated, and that the condition is affecting a driver's job performance or behavior in any manner. A supervisor or dispatcher observing such conditions will take the following actions immediately:

- ! Confront the employee involved, and keep under direct observation until the situation is resolved.
- ! Secure the alcohol and drug program administrator's concurrence to observations; job performance and district policy violations must be specific.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

- ! After discussing the circumstances with the supervisor, the alcohol and drug program administrator will arrange to observe or talk with the driver. If he/she believes, after observing or talking to the driver, that the conduct or performance problem could be due to substance abuse, the driver will be immediately informed that he/she will be removed from performing any safety-sensitive function until the concerns are resolved.
 - ! Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
 - ! If upon confrontation by the supervisor, the driver admits to use but requests assistance, the alcohol and drug program administrator will arrange for assessment by an appropriate substance abuse professional (SAP). Reassignment to the driver position is conditional to completing the SAP's guidelines and return-to-work testing.
- c. The supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems, and present such documentation to the alcohol and drug program administrator.
- d. The drug and alcohol program administrator will remove or cause the removal of the driver from the district-owned vehicle and ensure that the driver is transported to an appropriate collection site and thereafter to the driver's residence. Under no circumstances will that driver be allowed to continue to drive a district vehicle or his/her own vehicle until a confirmed negative test result is received.
- e. If, during the course of employment, the driver acknowledges a substance abuse problem and requests assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:
- ! The decision to seek diagnosis and accept treatment for the substance abuse problem is the responsibility of the driver;

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

- ! The diagnosis and prescribed treatment of the driver's condition will be determined by health care professionals designated by the alcohol and drug program administrator in conjunction with the driver's physician;

2. Post-Accident Testing: Current federal regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by the alcohol and drug program administrator to have refused to submit to testing. No alcohol may be consumed for 8 hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.

An accident is defined as an event or collision involving a district vehicle used for transporting students which can result in:

1. The death of a human being, or
2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
3. Damage to any vehicle

Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.

3. Random Testing: The District will conduct random testing for all drivers as follows:
 - a. A district-wide selection process which removes discretion in selection from any supervisory personnel will be adopted by the District. This process will select covered drivers through the use of a computerized program.
 - b. The random testing, once begun, will provide for alcohol testing of at least 10% and for drug testing of at least 50% of all drivers.
 - c. The random testing will be reasonably spaced over any 12 month period.
 - d. Once notified, a driver must proceed immediately to the assigned collection site.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

4. The alcohol and drug program administrator will be responsible for designating the appropriate substance abuse professional who, in conjunction with the driver's physician, will diagnose the problem and recommend treatment.
 - a. The driver's successful completion of the approved treatment program is a condition of continued employment as a driver.
 - b. Following successful completion of any approved treatment program, the driver will be required to submit to at least six random drug tests during the first year, and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.
 - c. All supervisors will receive training to assist them in identifying alcohol and drug use behavioral characteristics.
5. Return-to-Duty Testing: Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy and Part 382, Subpart B (FMCSR), the driver shall undergo a return to duty alcohol test with a result of less than a 0.01 BAC or receive a confirmed negative result from a controlled substance urinalysis test.

VI. COLLECTION OF BREATH AND URINE SPECIMENS AND LABORATORY ANALYSIS

- A. Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to 49 CFR, Part 40 procedures. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the driver will be removed from a safety-sensitive function and subject to termination.
- B. Specimen Collection: Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each driver submitting a specimen for analysis in accordance with these procedures.

E4112.4(k)

4212.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

4312.42

(continued)

- C. Laboratory Analysis: As required by FMCSA regulations, only a laboratory certified by Department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by the District. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.

VII. CONSEQUENCES: APPEAL OF TEST RESULTS

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees at Palermo Union School District but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences, which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination.
- B. A driver testing positive for alcohol or drug use is subject to termination. Refusal to submit to testing will also be considered a positive.

Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

Any driver testing positive for the presence of a controlled substance will be contacted by the District's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The District will not be a party to, or have access to, matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the District as a negative.

Within 72 hours after the driver has been notified of a positive test result for drugs, he/she may request a retest of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the district alcohol and drug program administrator will be notified. A retest may be initiated as appropriate.

E4112.4(1)

4212.42

4312.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

VII. CONFIDENTIALITY

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance test.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to ensure that all tests can be correctly traced to the driver.

Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the alcohol and drug program administrator.

Alcohol test results will be forwarded by the MRO to the alcohol and drug program administrator for confidential recordkeeping.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

APPENDIX A

ALCOHOL AND DRUG EFFECTS

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work, and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounces) over time, may result in the following health hazards:

- X Dependency
- X Fatal liver diseases
- X Kidney failure
- X Pancreatitis
- X Ulcers
- X Decreased sexual function
- X Increased cancers of the mouth, pharynx, esophagus, rectum, breast, and malignant melanoma
- X Spontaneous abortion and neonatal mortality
- X Birth defects

Social Issues

- X 2/3 of all homicides are committed by people who drink prior to the crime.
- X 2 - 3% of the driving population is legally drunk at any one time. This rate doubles at night and on weekends.
- X 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

- X The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- X 40% of family court cases are alcohol-related.
- X Alcoholics are 15 times more likely to commit suicide.
- X More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- X Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- X 30,000 people will die each year from alcohol-caused liver disease.
- X 10,000 people will die each year due to alcohol-related brain disease or suicide.
- X Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- X It takes one hour for the average person (150 pounds) to process on serving of alcohol from the body.
- X Impairment can be measured with as little as two drinks in the body.
- X A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ALCOHOL'S TRIP THROUGH THE BODY

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

reduction red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of live cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Gland: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination: confusion, disorientation, stupor, anesthesia, coma, or even death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana

Health Effects

- X Emphysema-like conditions.
- X One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- X One joint causes the heart to race and be overworked. People with heart conditions are at risk.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

- X Marijuana is commonly contaminated with the fungus *Aspergillus* which can cause serious respiratory tract and sinus infections.
- X Marijuana lowers the body's immune system response, making users more susceptible to infection.
- X Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- X Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- X Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- X Chronic smoking of marijuana in females causes a decrease in fertility.
- X A higher than normal incidence of stillborn babies, early termination of pregnancy, and higher infant mortality rate during the first few days of life is common in pregnant marijuana smokers.
- X THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain and spine in test animals.
- X Prenatal exposure may cause underweight newborn babies.
- X Fetal exposure may decrease visual functioning.
- X User's mental function can display the following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- X THC is stored in body fat and slowly released.
- X Marijuana smoking has long-term effects on performance.
- X Increased THC potency in modern marijuana dramatically compounds the side effects.
- X Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- X Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.
- X Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- X Strong dependence can occur with one "hit" or cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- X Treatment success rates are lower than with any other chemical dependency.
- X Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- X Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- X Lapses in attention and ignoring warning signals increases probability of accidents.
- X High cost frequently leads to theft and/or dealing.
- X Paranoia and withdrawal may create unpredictable or violent behavior.
- X Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- X IV needle users have a high risk of contracting hepatitis or AID when sharing needle.
- X Increased pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- X Narcotic effects are multiplied when combined with other depressants causing an increased risk for overdose.
- X Because of tolerance, there is an ever increasing need for more.
- X Strong mental and physical dependency occurs.
- X With increased tolerance and dependency combined, there is a serious financial burden for the users.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- X Regular use causes strong psychological dependency and increased tolerance.
- X High doses may cause toxic psychosis resembling schizophrenia.
- X Intoxication may induce a heart attack or stroke due to increased blood pressure.
- X Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- X Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- X Withdrawal may result in severe physical and mental depression.

Workplace Issues

- X Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- X With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS

(continued)

Phencyclidine (PCP)

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- X The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- X PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- X If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- X Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- X Not common in workplace primarily because of the severe disorientation that occurs.
- X There are four phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

E4112.42(t)
4212.42
4312.42

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS DRIVERS
(continued)

APPENDIX B

Palermo Union School District

DRIVER NOTIFICATION LETTER

I have received and read a copy of the district's Board Policy 4112.42 Drug and Alcohol Testing for School Bus Drivers relating to my job description. I have been informed by my supervisor or other responsible person that I have the right and opportunity to ask questions and discuss the information. The material was received on _____ . (Date)

Employee Signature

I hereby certify the above named employee was provided with the district's Board Policy 4112.42 Drug and Alcohol Testing for School Bus Drivers. The employee has been informed of the right to ask questions and discuss the information. The policy was provided on _____ . (Date)

Signature

Title

Exhibit
version: June 2, 2010
Revised: February 2, 2011

PALERMO UNION SCHOOL DISTRICT
Palermo, California

Certificated Personnel

AR 4112.5(a)
4312.5

CRIMINAL RECORD CHECK

The Superintendent shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony, unless that person has obtained a certificate of rehabilitation and a pardon. (Education Code 44830.1)

(cf. 4112.2 - Certification)

However, a certificated employee may be hired by the district, without obtaining a criminal record summary, if that employee became a permanent employee of another school district as of October 1, 1997. (Education Code 44830.1)

The Superintendent or designee shall ensure that no current certificated temporary, substitute or temporary employee serving before March 15 of the employee's second probationary year who has been convicted of a violent or serious felony is retained. (Education Code 44830.1)

When the Governing Board requests a criminal record summary of a temporary, substitute or probationary certificated employee, the district shall ensure compliance in accordance with law, together with a personal description of the person and a fee, to the Department of Justice. (Education Code 44830.1)

(cf. 4121 – Temporary/Substitute Personnel)

Upon notification by the Department of Justice that a current temporary, substitute or probationary employee, serving before March 15 of the employee's second probationary year, has been convicted of a violent or serious felony, the Superintendent shall immediately place that employee on leave without pay. (Education Code 44830.1)

When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent shall immediately terminate the employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code 44830.1)

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. (Education Code 44830.1)

The Superintendent shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2. (Education Code 44830.1)

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

CRIMINAL RECORD CHECK (continued)

Temporary Certificate of Clearance

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential. (Education Code 44332.6)

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year. (Education Code 44332.6)

Legal Reference:

EDUCATION CODE

44010 Sex offense

44332 Temporary certificate

44332.6 Criminal record check, county board of education

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

44830.1 Certificated employees, conviction of a violent or serious felony

44830.2 Certificated employees; interagency agreement

44836 Conviction of a sex offense

45122.1 Classified employees, conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Classified employees; interagency agreements

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information

708 Destruction of criminal offender record information

Management Resources:

WEB SITES

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

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

All Personnel

BP 4112.6

4212.6

PERSONNEL FILES

4312.6

The Governing Board recognizes the importance of keeping accurate personnel files.

The Superintendent shall establish and maintain files for all employees and ensure confidentiality in accordance with law and collective bargaining agreements.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

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

(cf. 4115 - Evaluation/Supervision)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

6254.3 Disclosure of home address and phone number

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records-general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

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

All Personnel

AR 4112.6(a)

4212.6

PERSONNEL FILES

4312.6

The Superintendent shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent. Employee files shall be maintained at the district's central office. The Superintendent shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 3580 - District Records)

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

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

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

Placement of Material in Personnel Files

Any person who requests written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement. The Superintendent shall determine if written material is appropriate and/or will be placed in the personnel file.

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

Derogatory Information

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents. Such a review shall take place during normal school hours. The employee shall be released from duty for this purpose without a salary reduction. (Education Code 44031)

1. Derogatory material must be signed and dated by the originating person. Anonymous documents, letters or other materials shall not be filed.
2. The notice shall inform the employee that he/she should respond within 10 working days from the receipt of the notice. The inspection shall take place in the presence of the Superintendent.
3. After the employee has reviewed and made written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

PERSONNEL FILES (continued)

File Review by Employee

1. Except for ratings, reports or records specified above as not open to inspection, all other written materials placed in personnel files shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of the Superintendent.
2. Employees wishing to inspect their personnel file shall contact the Superintendent. The employee may be accompanied by a representative of the employee's choice while reviewing the file.
3. All reviews of personnel files shall be recorded, including notation of date and time reviewed, and name and title of the person(s) present during the review.
4. In no instance shall any material be removed from the file. Requests for copies of material in a personnel file must be made in writing.
5. Any request by an employee to include any materials in the file must be approved by the Superintendent.

File Review by Management and Board

1. Personnel files are confidential and access shall be strictly controlled by the Superintendent.
2. Personnel files shall be reviewed in the office where the files are maintained unless otherwise approved in writing by the Superintendent.
3. Personnel files shall be reviewed and replaced within the shortest time possible. In no case should a personnel file be left unattended or left unfiled overnight.
4. Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent's authorization, review an employee's personnel file.
5. Board members are not allowed access to personnel files but may request pertinent information from an employee's file in cases of personnel action. The contents of all personnel files shall be kept in strict confidence.