



***ALL  
EMPLOYEE  
INFORMATION  
PACKET  
2023-2024***

***Sunnyvale School District  
Human Resources  
819 West Iowa Ave.  
Sunnyvale, CA 94086***



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**Sunnyvale School District**  
*Human Resources*

**DISASTER SERVICE WORKERS**

As an employee of the Sunnyvale School District you should be aware that within the Government Code of the State of California there is a section that speaks to the responsibility of employees who work in public agencies during a disaster. California Government Code section 3100 specifies that public employees are declared to be *disaster service workers* subject to such disaster service activities as may be assigned to them by their superiors or by law.

Under California Government Code 3101 the term “public employee” includes all persons employed by the state, any county, city, or city/county/state agency, or public district, excluding aliens legally employed.

**Sunnyvale School District**  
*Human Resources*

**DRUG AND ALCOHOL-FREE WORKPLACE**

The Drug-Free Workplace Act, which became effective on March 18, 1988, stipulates that any agency which receives federal funds must comply with certain regulations concerning employees and the establishment of a drug and alcohol-free workplace. The following Board approved Exhibit (Notice to Employees) reflects the Sunnyvale School District's efforts to comply with this regulation.

Use of drugs or alcohol in the workplace not only may affect production and performance, but also may endanger the safety of the drug abuser, students, or fellow employees. Therefore, the policy of the Sunnyvale School District is to maintain a drug and alcohol-free workplace. Exhibit 4020 – Drug and Alcohol-Free Workplace notifies you, as a Sunnyvale School District employee, 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.

Personnel

Drug and Alcohol-Free Workplace

**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 (5) 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 Regulation, Title 49, Part 382.

*(cf. 4112.42/4212.42/4312.42 - Controlled Substance and Alcohol Testing)*

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

Pursuant to Education Code 45123, the governing board of a school district may employ a classified person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five (5) years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

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

Pursuant to Education Code 44940, the district shall immediately place on compulsory leave of absence any certificated employee charged with any offense involving aiding or abetting the unlawful sale, use or exchange to minors of certain controlled substances.

The following drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally. In addition, your district employee benefits program may also provide drug and alcohol counseling and rehabilitation services.

1.     **Voices United**  
Silicon Valley's Resource on Substance Use and Addiction  
1415 Koll Circle, Suite 101  
San Jose, California 95112  
(408) 292-7292  
[www.Outreach@VoicesUnited.net](mailto:www.Outreach@VoicesUnited.net)
  
2.     **Pathway Society, Inc.**  
Substance Abuse Information and Treatment Centers  
1659 Scott Blvd., Suite 30  
Santa Clara, California 95050  
(408) 244-1834  
[www.pathwayinc.com](http://www.pathwayinc.com)
  
3.     **Santa Clara County Department of Alcohol & Drug Services (DADS)**  
976 Lenzen Ave.  
San Jose, California 95126  
(408) 792-5680  
[www.sccgov.org/sites/dads](http://www.sccgov.org/sites/dads)
  
4.     **Community Health Awareness Council (CHAC)**  
711 Church Street  
Mountain View, California 94041  
(650) 965-2020  
[www.chacmv.org](http://www.chacmv.org)

## Students

### Child Abuse Prevention and Reporting

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)  
 (cf. 5141.6 - School Health Services)  
 (cf. 6164.2 - Guidance/Counseling Services)

### Child Abuse Prevention

The district's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

(cf. 6142.8 - Comprehensive Health Education)  
 (cf. 6143 - Courses of Study)

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

### Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)  
 (cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Legal Reference:

EDUCATION CODE

32280-32288 Comprehensive school safety plans  
 33195 Heritage schools, mandated reporters  
 33308.1 Guidelines on procedure for filing child abuse complaints  
 44252 Teacher credentialing  
 44690-44691 Staff development in the detection of child abuse and neglect  
 44807 Duty concerning conduct of students  
 48906 Notification when student released to peace officer  
 48987 Dissemination of reporting guidelines to parents  
 49001 Prohibition of corporal punishment  
 51220.5 Parenting skills education  
 51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act  
 273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
 288 Definition of lewd or lascivious act requiring reporting  
 11164-11174.34 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

COURT DECISIONS

Camreta v. Greene (2011) 131 S.Ct. 2020

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

[http:// www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss/ap>

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information Gateway:

<https://www.childwelfare.gov/can>

Policy

adopted: May 18, 2017

SUNNYVALE SCHOOL DISTRICT

Sunnyvale, California

Students

## **Child Abuse Prevention and Reporting**

### Definitions

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect of a child as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

Child abuse or neglect does not include:

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)

*(cf. 3515.3 - District Police/Security Department)*

3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

*(cf. 5144 - Discipline)*

5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees, administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; district police or security officers; athletic coaches, administrators or directors; licensed nurses or health care providers; contracted social workers, therapists, and psychologists; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. (Penal Code 11166)

### Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11166.05)

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14. (Penal Code 152.3, 288)

### Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11166)

Sunnyvale Public Safety  
700 All American Way  
Sunnyvale, CA 94086  
408-730-7110, Desk Officer

Santa Clara County Social Services Agency  
Department of Family and Children Services  
373 West Julian Street  
San Jose, CA 95110  
408-299-2071, Child Abuse/Neglect reporting line

Santa Clara County Juvenile Probation Department  
840 Guadalupe Parkway  
San Jose, CA 95110  
408-278-5818, Dependent Intake Officer of the Day

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572). (Penal Code 11166, 11168)

Mandated reporters may obtain copies of the Department of Justice form from either the district or the appropriate agency.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians

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

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case. (Penal Code 11167)

### 3. Internal Reporting

Employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

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

He/she may provide or mail a copy of the written report to the principal or Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

### Training

Training of mandated reporters shall include child abuse and neglect identification and mandated reporting. (Penal Code 11165.7)

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 5145.7 - Sexual Harassment)*

Victim Interviews

Whenever a representative of a government agency investigating suspected child abuse or neglect or the state Department of Social Services deems it necessary, a suspected victim may be interviewed during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

*(cf. 5145.11 - Questioning and Apprehension)*

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

*(cf. 1312.1 - Complaints Concerning District Employees)*

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The district shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167. (Penal Code 11165.7, 11166.5)

Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

## Business and Non-Instructional Operations

### **Tobacco-Free Schools**

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

*(cf. 3514 - Environmental Safety)*  
*(cf. 4159/4259/4359 - Employee Assistance Programs)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 5141.23 - Asthma Management)*  
*(cf. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

*(cf. 1330 - Use of School Facilities)*  
*(cf. 1330.1 - Joint Use Agreements)*

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

#### Legal Reference:

##### EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

##### HEALTH AND SAFETY CODE

39002 Control of air pollution from non-vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

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

PERB RULINGS

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District

(1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

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

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

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

## Business and Noninstructional Operations

### **Tobacco-Free Schools**

#### Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

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

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

*(cf. 1113 - District and School Web Sites)*

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

#### Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

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

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

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property.
2. Request local law enforcement assistance in removing the person from school premises.
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time.

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

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

#### Regulation

Reviewed: October 18, 2012

SUNNYVALE SCHOOL DISTRICT  
Sunnyvale, California

## *Sunnyvale School District*

### TUBERCULOSIS (TB) CLEARANCE INFORMATION

It is required that all public school district employees show proof of a Tuberculosis (TB) Clearance in compliance with Education Code 49406 to insure the absence of TB. Evidence of a negative TB Risk Assessment or skin test must be on file in the Human Resources Department of the Sunnyvale School District prior to employment. In accordance with the law, a TB Clearance must be done every four (4) years and annually for food services personnel.

You are required to have a TB Clearance completed as soon as possible upon request from the Human Resources Department, but no later than 30 days after receipt of a notice. You will be notified when subsequent TB Clearances are required. Failure to provide evidence of a TB Clearance may result in leave without pay.

Your healthcare provider will give you a written statement regarding the results of your TB Risk Assessment or skin test. You must submit that statement to the Human Resources Department. If you would like, your healthcare provider can fax the results directly to the Human Resources Department at (408) 522-8951. When a TB Risk Assessment has proven positive for Tuberculosis, your healthcare provider will follow up with you with a skin test or chest x-ray and the final results must be filed in the Human Resources Department.

The District will reimburse you up to \$20.00 for your TB Clearance. ***\*You must bring your receipt to the Human Resource Department to receive your reimbursement.***

\*All newly hired and hourly paid employees will be responsible for the cost of their own TB clearance.

## Personnel

### **Tutoring**

It is expected that every effort will be made by the principal and teacher to resolve the learning problems of a student at school before recommending that parents/guardians engage a tutor or seek other outside professional help. The Governing Board believes that by maintaining a high quality instructional staff and providing for a rich, varied curriculum the need for individual tutoring is minimized.

In order to protect both the district and teachers from charges of conflict of interest in those exceptional cases where individual tutoring is allowed, the following guidelines are provided:

1. A teacher may not accept any kind of remuneration for tutoring any student enrolled in his/her class.
2. Tutoring for which a teacher receives a fee, if carried on in a school building, must comply with the district's facilities use policy.

*(cf. 1330 - Use of School Facilities)*

3. The district does not govern and is not involved in fee arrangements made between parents/guardians and teachers.

**Sunnyvale School District**  
*Human Resources*

**EXPOSURE CONTROL PLAN AND UNIVERSAL PRECAUTIONS**

In June of 1994 the Board of Education approved policies and administrative regulations concerning universal precautions and occupational exposure to bloodborne pathogens. Universal Precautions is an approach to infection control. Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials". Exposure incident means "a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee's duties". Please note the following information:

**Universal Precautions**

It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious. ALL students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, other body fluids, or contaminated items or surfaces. After each use, remove the gloves without touching the outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water and thoroughly dry with disposable paper towels:
  - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects or surfaces.
  - b. Immediately after removing gloves, gowns or smocks.
  - c. Before eating, drinking or feeding.
  - d. Before handling food, cleaning utensils or kitchen equipment.
  - e. Before and after using the toilet or diapering.
3. Clean surfaces and equipment contaminated with blood with soap and water, and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and

use disposable towels whenever possible. Rinse mops or other non-disposable items in the disinfectant.

4. Properly dispose of contaminated materials and label them as biohazardous.
  - a. Place blood, body fluids, gloves, bloody dressings and other absorbent materials into appropriately labeled bags or lined waste containers.
  - b. Place needles, syringes and other sharp disposable objects in leak-proof, puncture-proof containers.
  - c. Bag soiled towels and other laundry. Presoak with disinfectant and launder with soap and water.
  - d. Dispose of urine, vomit or feces in the sanitary sewer system.
5. Do not care for others' injuries if you have any bleeding or oozing wounds or skin conditions.
6. Use mouthpiece, resuscitation bag or other ventilation device, when readily available, in place of mouth-to-mouth resuscitation.
7. Immediately report any exposure incident or first aid incident in accordance with the District's Exposure Control Plan or other procedures.

### **Exposure Control Plan**

1. Exposure Determination  
The following employees have been determined to have potential occupational exposure:

### **Health Care Providers**

2. Hepatitis B Vaccination  
Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B declination statement as required by law.
3. Designated First Aid Providers  
Designated first aid providers may be exempt from the pre-exposure hepatitis B vaccine if:
  - a. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis.

- b. Designated first aid providers participate in the blood borne pathogens training program.
  - c. Unvaccinated first aid providers receive the full hepatitis B vaccination series no later than 24 hours after rendering assistance in any situation involving the presence of blood or other potentially infectious materials regardless of whether an exposure incident occurred.
4. Protective Equipment  
The district shall provide appropriate personal protective equipment at no cost to the employee. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment.
5. Information and Training  
The district shall provide an annual training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. Such training shall include the specifics of reporting first aid incidents which involve blood or body fluids which are potentially infectious.

**Sunnyvale School District**  
*Human Resources*

**PREVENTING EXPOSURE TO BOTH AIDS AND HEPATITIS B**

Due to the concerns generated by AIDS/HIV infection, the California Legislature has mandated that school districts inform their employees on an annual basis, or more often if new information becomes available, about appropriate methods to prevent exposure to both AIDS and Hepatitis B.

A vaccine for the prevention of the contraction of Hepatitis B is available. For more information regarding the vaccination please consult with your personal physician.

The information concerning the prevention of infectious diseases is extensive in nature, and employees are encouraged to read the attached advisory carefully. A copy of this advisory will be posted in the staff rooms at the school sites and online at [www.sesd.org](http://www.sesd.org). You may also obtain a copy from the Human Resources Department

## **OVERVIEW AND RATIONALE FOR IMPLEMENTING PRECAUTIONS TO PREVENT SPREAD OF INFECTIOUS DISEASES IN THE SCHOOL SETTING.**

Because of the epidemics of AIDS/HIV infection, there is great interest in what precautions are taken to prevent the spread of all infectious diseases. The spread of HIV (Human Immunodeficiency Virus) infection has been the impetus for taking a critical look at the way in which all infections can be spread in schools. Even a cursory look may reveal carelessness about basic hygienic practices in schools. If facilities exist for hand washing that include running water, there may be no soap. The lunch schedules may not allow time for hand washing before eating. Students who require diapering and feeding are at times in facilities without running water. Persons who administer first aid may dispose of bloody wastes without consideration for staff members who handle refuse and frequently do not use gloves.

Because of the concern generated by AIDS/HIV infection, the California Legislature has mandated that schools inform their employees annually, or more often if new information becomes available, about appropriate methods to prevent exposure to both AIDS and hepatitis B (Health and Safety Code Part 1 of Division 1, Section 199.81). ***THE INFORMATION ABOUT HEPATITIS B MUST INCLUDE THE AVAILABILITY OF THE VACCINE TO PREVENT CONTACTING HEPATITIS B AND THAT THE COST OF THE VACCINATION MAY BE COVERED BY THE HEALTH PLAN BENEFITS OF THE EMPLOYEE.***

This advisory provides a guideline for school districts about information to present to ALL employees in ALL school settings about preventing the spread of ALL infectious diseases including AIDS/HIV infection and hepatitis B. These guidelines should be made available to all employees, including bus drivers, instructional assistants, maintenance staff, food service personnel, and clerical staff. Local districts are encouraged to consider translation into other languages when appropriate.

The likelihood of HIV transmission in the school setting is extremely remote since the body fluids known to contain enough HIV to spread the disease are blood, semen, and vaginal secretions. ***OF THE OVER 80,000 CASES OF AIDS IN THE U.S. REPORTED TO THE CENTERS FOR DISEASE CONTROL (MARCH, 1989), NONE HAS OCCURRED IN FAMILY MEMBERS OF INFECTED PERSONS UNLESS THE FAMILY MEMBERS WERE THEMSELVES AT RISK BECAUSE OF SEXUAL ACTIVITY, I.V. DRUG ABUSE, INOCULATION WITH BLOOD OR BLOOD PRODUCTS, OR BEING BORN TO AN INFECTED MOTHER. THERE HAVE BEEN NO REPORTED CASES OF HIV TRANSMISSION IN SCHOOLS OR DAY CARE SETTINGS.***

Transmission of hepatitis B is more likely to occur in the school setting, especially among certain populations, such as students who reside in residential facilities for developmentally disabled.

The risk of infection with HIV from exposure to blood of an infected person by blood transfusion or by sharing needles to inject drugs is very high. Risk of exposure to infected blood in other ways that would be more likely to occur in the school setting is very low. A table of infection rates with exposure to blood containing HIV is on the following page.

The precautions recommended in these guidelines are appropriate for preventing the spread of ALL infectious diseases and are most likely to prevent the spread of germs that cause the common cold, influenza, impetigo, ringworm and the myriad of other infectious diseases that create serious problems for children and their teachers during the school year. Emphasizing hand washing does not imply that one may contract AIDS/HIV infections because of inadequate hand washing. Hand washing is stressed because it is a simple and basic method of preventing the spread of a wide variety of germs that cause other common diseases that interfere with school attendance and can be serious or even fatal.

Confidentiality for all medical information is important and must be honored carefully by school personnel as well as health professionals. Sharing information about AIDS/HIV infection is prohibited by law and subject to a civil penalty and a fine not to exceed \$5,000, except in specific circumstances (Health and Safety Code Part 1 of Division 1, Section 199.42, attached).

The basic principle promoted by this guideline is to use *Universal Precautions*. This means to use appropriate precautions regardless of your knowledge of which germs are present in the individual's blood, saliva, nasal discharges, or vomitus, urine, and feces. In other words, when handling the discharges from another person's body, always use reasonable precautions, especially when handling discharge containing blood. Do not limit hand washing, gloving, and careful disposal of contaminated refuse only to those times when you are dealing with persons you know or suspect may carry specific germs.

One outcome of using *Universal Precautions* will be fewer student and staff absences from common infections such as colds and influenza. Another positive outcome will be teaching, by modeling, what precautions are appropriate when handling other persons' body discharges with special care for handling blood and bloody discharges because of AIDS/HIV infection, hepatitis B, and other blood-borne infections.

Applying the principle of using *Universal Precautions* removes the problem of needing to know which persons are infected with which germs in the school setting. Routine use of appropriate precautions eliminates much of the fear of not knowing if a student in the classroom has an infection. Sometimes the parents or the students themselves are afraid to share information about infections. Most often, however, the infected students and their parents do not have that information. This is especially true about HIV-infected persons.

**RISK OF INFECTION WITH HIV AND HEPATITIS B VIRUS  
WITH EXPOSURE TO VARIOUS VOLUMES OF INFECTED BLOOD**

<b>TYPE OF EXPOSURE</b>	<b>VOLUME OF BLOOD</b>	<b>HUMAN IMMUNO-DEFICIENCY VIRUS (HIV)</b>	<b>HEPATITIS B VIRUS (HBV)</b>
<b>Receipt of infected blood by transfusion</b>	<b>500 cc (1 Unit or 1 Pint)</b>	<b>95.0%</b>	<b>100%</b>
<b>Accidental needle stick contaminate with infected blood in a clinical setting</b>	<b>Minute (less than 1 cc)</b>	<b>0.03%</b>	<b>12-35.0%</b>
<b>Infected blood on broken skin in clinical setting</b>	<b>Minute to Small Volume</b>	<b>Some Risk (6 reported cases in the USA)</b>	<b>Some Risk</b>
<b>Infected blood on healthy (unbroken) skin in clinical setting</b>	<b>Minute to Small Volume</b>	<b>No Reported Cases</b>	<b>No Reported Cases</b>
<b>Caring for infected persons within household</b>	<b>Minute to Small Volume</b>	<b>No reported cases among family members of thousands of persons with AIDS</b>	<b>Some Risk</b>

- Some health care workers have been infected with HBV in absence of a needle stick. Presumably, those infections were acquired by blood transferred to oral or nasal mucous membranes via hands.
- No family members have contacted HIV infection unless they were themselves at risk because of sexual activity, inoculation with blood or blood products and perinatal events.
- Hepatitis B Virus (HBV) transmission has occurred between infected babies and their family contacts infected developmentally delayed children and their classmates and caregivers, and in other situations when chronic carriers are present for prolonged periods.

## **WHAT IS AIDS/HIV INFECTION?**

AIDS (Acquired Immune Deficiency Syndrome) is the advanced stage of HIV (Human Immunodeficiency Virus) infection. The virus attacks the body's immune system, leaving it vulnerable to life-threatening opportunistic infections and malignancies. The virus also may directly attack the central nervous system. Persons infected with HIV frequently have no apparent symptoms and usually appear to be in good health. More than half of the persons in the United States who have been diagnosed to have AIDS (the advanced stage of HIV infection) have died.

## **HOW IS HIV INFECTION SPREAD?**

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

- 1) Any sexual activity involving direct contact with semen, blood or vaginal secretion of someone who is infected.
- 2) Sharing intravenous (IV) needles and/or syringes with someone who is infected.
- 3) Penetrating the skin with needles that have been used to inject an infected person.
- 4) Direct contact on broken skin with infected blood.
- 5) Receiving blood transfusions or blood products from someone who is infected (a screening test has been used since 1985 that has reduced this risk to 1 in 68,000 in California [AIDS Update, December 1998], and
- 6) Being born to an infected mother.

## **WHAT IS HEPATITIS B?**

Hepatitis B is an infection of the liver caused by a virus present in blood and other body fluids of infected persons. Less than 50 percent of persons who become infected show symptoms of illness. The symptoms are like those of hepatitis A and include fatigue, mild fever, muscle or joint aches, nausea, vomiting, loss of appetite, and abdominal pain. In some patients the urine turns dark and the skin becomes yellow. The onset of symptoms may appear 6 weeks to 6 months after becoming infected with the virus. Death is uncommon in hepatitis B, but 5 to 10 percent of those infected become long-term carriers. Up to 25 percent of carriers may develop serious chronic liver disease.

## **HOW IS HEPATITIS B SPREAD?**

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

- 1) Sexual activity involving semen, blood, or vaginal secretions.
- 2) Sharing with someone who is infected, unsterile instruments used to penetrate the skin such as those used for tattooing, ear piercing, and razors.
- 3) Sharing intravenous (IV) needles and/or syringes with someone who is infected.
- 4) Direct contact of infected blood with mucous membrane of the eye and mouth.
- 5) Direct contact of infected blood with broken skin (e.g., cuts).
- 6) Accidental needle sticks with needles containing blood from virus carrier.
- 7) Sharing toothbrushes, and
- 8) Being born to an infected mother.

## **HOW CAN HIV AND HEPATITIS B INFECTIONS BE PREVENTED?**

A vaccine for hepatitis B is available from health care providers. The cost of the vaccine may be covered by individual health plan benefits of employers.

A spread of hepatitis B may occasionally occur in special education settings and classrooms attended by developmentally delayed students who became hepatitis B carriers while in hospital or residential facilities. The risk of hepatitis transmission in these special education classroom settings can be almost eliminated by good environmental and personal hygiene (*Universal Precautions*). Hepatitis B vaccination of susceptible personnel and students can reduce the risk to virtually zero.

Since sexual intercourse and sharing of intravenous equipment are the major behaviors that transmit the viruses that cause hepatitis B and HIV infections, abstinence from these activities eliminates the major risk of exposure for most people. Mutually monogamous sexual relationships between uninfected partners are safe.

Properly used condoms combined with water-based lubricants containing spermicides greatly reduce the risk of transmission during sexual intercourse with an infected person. Intravenous equipment and any equipment used to penetrate the skin should not be shared. For persons who continue to share intravenous equipment, cleaning with household bleach solution and rinsing with water can also reduce transmission by this route.

HIV infection, hepatitis B, and several other viruses are transmitted through sexual intercourse, sharing of blood, and from infected women to their babies during pregnancy or at the time of birth. Essentially all risk of these infections is outside of the work and school environments. However, there is some, although very small, risk of blood exposure at work and at school. Carriers of these viruses do not often show outward signs of infection and often are not aware of being infected themselves. Therefore, ALL blood or blood-containing body fluids must be considered potentially infectious.

The only risk of hepatitis B virus and HIV exposure in the school setting is with direct exposure of infected blood to broken skin or mucous membranes. Unbroken skin is an extremely good barrier to these viruses and there have been no documented cases of transmission in this manner in schools or day care centers. In fact, even in the clinical setting there have been only six cases of HIV infection from direct exposure of infected blood to broken skin. However, to be extremely cautious and because a variety of other infections are likely to be transmitted in this manner, Universal Precautions are recommended.

## WHAT ARE UNIVERSAL PRECAUTIONS?

Universal Precautions are precautions used in all situations and not limited to use with individuals known to be carrying a specific virus such as HIV or the virus causing hepatitis B. In the school setting, those precautions should include: hand washing, using gloves, careful trash disposal, using disinfectants, and modification of cardiopulmonary resuscitation (CPR).

**HANDWASHING:** Hand washing facilities should include soap and running water at a pleasantly warm temperature. Automatic hand dryers can be considered as an alternative to paper towels. Scented soap allows teachers to determine if elementary students have used the soap. Scheduling time for students to wash hands before eating is suggested to encourage the practice. Classroom instruction about proper hand washing can be integrated into health instruction at all grades levels.

**USING GLOVES:** All staff members who may be required to administer first aid involving blood or to handle body fluids that may contain blood should have access to latex gloves in the areas where the gloves might be required to be used.

**TRASH DISPOSAL:** Special containers lined with plastic and marked appropriately are recommended for disposal of trash containing blood or any body spills that may contain blood. If needles, syringes, or lancets are used in the school setting, arrange for a punctureproof container. Contact your local health department for directions about disposal of contaminated materials. Place intact needles and syringes in the designated container. Do not bend or break needles. Do not recap needles.

**FIRST AID INVOLVING BLOOD AND CPR:** Individuals with responsibility for administering first aid in school, on the athletic fields, in the cafeterias, on the playgrounds, and on school buses should have current instruction and certification. That instruction can be provided by certificated school nurses employed by the school districts or by local agencies such as the American Red Cross and the American Heart Association. Gloves should be

standard components of first-aid supplies in the schools so that they are readily accessible for emergencies and regular care given in school health offices, cafeterias, and athletic training rooms. Devices that prevent backflow of fluids from the mouth of a victim being given CPR also should be readily accessible to those persons most likely to be the rescuers in the school setting. A wide variety of devices are available. Contact your local paramedic teams or hospital emergency room to determine which devices they recommend.

**USING DISINFECTANTS:** At each school site, appropriate and Environmental Protection Agency (EPA) approved disinfectants should be supplied and use. Regular household chlorine bleach diluted 1:10 and mixed daily (or as needed so that the solution is fresh) is an effective disinfectant for destroying the AIDS and hepatitis B viruses as well as most other disease-causing organisms.

**TRAINING OF EMPLOYEES:** All school employees (certificated, classified, and volunteers) should have training annually and upon entry into the system about preventing ALL infectious diseases and AIDS and hepatitis B specifically. If new information becomes available, it should be transmitted promptly in addition to annual training's. This training can be integrated in first-aid training for staff with specific responsibility for administering first-aid. The audience for training ideally will include:

- 1) Members of the Board of Education.
- 2) School district and site administrators.
- 3) Certificated personnel, including teachers, school nurses, psychologists, and counselors, speech/language specialists, physical therapists, etc.
- 4) Classified personnel including bus drivers, clerical staff, food service personnel, maintenance staff, athletic trainers, instructional assistants, campus supervisors, health assistants, security personnel, and other support personnel.
- 5) Volunteers or other persons who work at school regularly.
- 6) Other staff who enter schools on a regular basis.

When providing first-aid training and training in CPR, adherence to current recommendations of the American Red Cross and the American Heart Association about using gloves, using protective devices for artificial breathing, cleaning resuscitation mannequins, and health conditions of students that contraindicate mannequin practice is essential.

Guidelines and Procedures for Meeting the Specialized Physical Health Care Needs of Students: will soon be available from the state Department of Education. This book includes procedures frequently required by students with exceptional needs such as tracheostomy care, gastric feeding and catheterization. It also includes lesson about hand washing, gloving, using disinfectants, and trash disposal. A document now available that addresses these issues is "Infectious Disease in School-Age Children."

## **DO SCHOOLS NEED POLICIES FOR DEALING WITH PERSONS WHO HAVE INFECTIOUS DISEASES?**

Most school districts have policies for dealing with infectious diseases such as tuberculosis, impetigo, chicken pox, and a variety of diseases more common than either HIV infection or hepatitis B. Developing or reviewing existing policy for dealing with employees and students who have any of many infectious diseases is recommended. The process of policy development or review BEFORE becoming aware of a specific situation with an infected person enhances the likelihood of objective administrative decision-making.

**POLICY DEVELOPMENT OF REVIEW PROCESS:** Legal counsel in policy development or review is essential to assure compliance with current case law and legislation. Ideally, a multidisciplinary team consisting of parents, a representative of certificated and classified employee associations, school nurses, school board members, administrators, public health authorities, experts in the local media community, the director of personnel, and legal counsel will provide input about policy development or review.

Further, school personnel and parents need to be informed about the policies that have been developed. This information will foster discussion of the issues involved and help prevent reactions to decisions made about specific students and employees. A basic concern in policy development is balancing the rights of the infected persons to work and go to school with the rights of the uninfected persons in the school setting.

**POLICY RELATED TO PERSONNEL:** Personnel policy for school employees who may have infectious disease has a legal basis in the California Health and Safety Code, Education Code, and Title 5 of the Administrative Code which has been in place for decades. Authority is given to the “health officer” in Health and Safety Code sections 3110-3125. The health officer who is the administrative head of the local public health department has authority to quarantine (or isolate) individuals and areas and schools. Superintendents, principals, and teachers are charged with enforcing that quarantine by not allowing quarantined staff members and students to be present at schools without written permission of the health officer (section 3118). Education Code (Section 44839) empowers the school district or a county superintendent of schools to require certificated employees to have periodic medical examination by a licensed physician and surgeon to determine if the employee is free from communicable disease “unfitting the applicant to instruct or associate with children.” The parallel code for classified employees is Education Code Section 45122. The examination costs are borne by the district and the certificate from the physician becomes part of the personnel record. The release authorization and certification are further classified in Title 5, Administrative Code, Section 5504.

ALL medical information is confidential and is not to be shared without permission of the person or, in the case of a minor, permission of the parent or guardian. With AIDS/HIV infection there is an additional layer of legislated confidentiality. In the case of AIDS/HIV infection, the person, or parent if the person is a minor, must indicate specifically who may have the information. Permission forms that give a blanket permission to share medical information are not adequate for sharing information about AIDS/HIV infection.

Disclosure of results of blood tests detect antibodies to the virus which causes AIDS without written authorization is a misdemeanor pursuant to Health and Safety Code, Chapters 1.11 and 1.12 (Sections 199.21, 199.30, 199.31 and 199.37). “The results of a blood test to detect antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome shall not be used in any instance for the determination of instability or suitability for employment” (Section 199.21). The employee can not be required to take a test to detect an HIV infection or the presence of the HIV antibodies. Further, a person can not be required to disclose the result of an AIDS/HIV test or to disclose the presence of HIV antibodies. This does not preclude a physical examination to determine if the employee’s health status makes it appropriate for him or her to work with children. As a general health policy, it is recommended that when there is reasonable cause for concern that an employee has any infectious disease, the district (at its discretion) should require periodic physical examinations (excluding the test for HIV antibodies). It is recommended that the results of the examination be submitted to the “health officer” to determine if he/she agrees with the conclusion of the examining physician. If the examining physician and the health officer are in agreement, their recommendations must be followed. If they are not in agreement, the recommendations of the health officer are to be followed.

Collective bargaining negotiation regarding employee benefits should be done in a nondiscriminatory manner so that employees who may in the future become ill because of HIV infection will not be denied adequate health care. Current case law holds that involuntary change of assignment is not appropriate if the HIV-infected employee can otherwise perform his/her duties.

**POLICY RELATED TO STUDENTS:** Students with AIDS/HIV infection are also protected by the laws cited above regarding the authority of the “health officer” to quarantine and disclosure. Current case law holds that students cannot be excluded from school or involuntarily be given a special placement solely on the basis of either having AIDS or being HIV infected. The student’s physician may determine that school attendance is not appropriate because of the patient’s physical status or vulnerability to other infections.

Neither parents nor physicians are required by current law to inform school authorities of a student’s AIDS/HIV infection or results of tests for HIV antibodies. Ideally, the parent will voluntarily inform school personnel of a student’s AIDS/HIV infection so a joint decision about school attendance can be made with input from the student’s physician, parents, the school nurse, school administrators, and teaching personnel. However, any disclosure by the student or parent must be kept confidential unless either the parent or 18-year student gives express written permission for disclosure.

As with school personnel, if the adult student or the parent or guardian of a minor student chooses to disclose the information about AIDS/HIV infection to others, specific written permission about the persons they wish to be informed must be obtained (Health and Safety Code, Chapter 1.11 and 1.12).

**BENEFITS OF POLICY:** During the process of policy development, conversing and learning about the transmission of all infectious disease (including HIV infection and hepatitis B) will occur. This process can dispel unwarranted fears and positively influence use of *Universal*

*Precautions* describe above. If *Universal Precautions* are implemented in the schools, the “need to know” about the presence or absence of HIV or hepatitis B infections is minimized. Implementing *Universal Precautions* also offers protection to all of the persons in the school setting from a variety of disease-causing organisms in addition to HIV and the virus causing hepatitis B.

## **ASSEMBLY BILL NO. 2633**

### **CHAPTER 916**

An act to amend Section 199.81 of the Health and Safety Code, relating to health.

*[Approved by the Governor September 21, 1987. Filed with Secretary of State September 21, 1987.]*

### **LEGISLATIVE COUNSEL’S DIGEST**

AB 2633, Agnos. Hepatitis B.

Existing law requires the State Department of Education to provide information to school districts on acquired immune deficiency syndrome (AIDS) and on AIDS-related conditions. This bill would, in addition, require the State Department of Education to provide, in conjunction with the information required to be provided on AIDS, information on Hepatitis B, and that the cost of vaccination may be covered by employee health plan benefits.

*The people of the State of California do enact as follows:*

**SECTION I.** Section 199.81 of the Health and Safety Code is amended to read: 199.81. The State Department of Education shall provide information to school districts on acquired immune deficiency syndrome (AIDS), on AIDS-related conditions, and on Hepatitis B. This information shall include, but not be limited to, any appropriate methods school employees may employ to prevent exposure to AIDS and Hepatitis B, including information concerning the availability of a vaccine to prevent contraction of Hepatitis B, and that the cost of vaccination may be covered by the health plan benefits of the employees. The information shall be compiled and updated annually, or if there is new information, more frequently, by the State Department of Health Services and in consultation with the California Conference of Local Health Officers.

In order to reduce costs, this information may be included as an insert with other regular mailings to the extent practicable, and the information required to be provided on Hepatitis B shall be provided in conjunction with the information required to be provided on AIDS.

## **SENATE BILL NO. 2191**

### **CHAPTER 1461**

*[Approved by Governor September 30, 1986. Filed with Secretary of State September 30, 1986.]*

## LEGISLATIVE CONSEL'S DIGEST

SB 2192, Rosenthal. Schools: AIDS information

Under existing law, there are various safety and health programs for students and teachers.

This bill, in addition would impose a state-mandated local program by requiring school districts to inform their employees annually or if there is new information, more frequently, of the information relating to AIDS for AIDS-related conditions compiled by the State Department of Education, including appropriate methods school employees may employ to prevent exposure to AIDS. This bill would permit this information to be included as an insert with other regular mailings, to the extent practicable.

This bill would require the State Department of Education to compile and update annually, or if there is new information, more frequently, information on AIDS-related conditions in conjunction with the State Department of Health Services and in consultation with the California Conference of Local Health Officers and to provide it to the school districts.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$500,000 statewide and other procedures for claims whose statewide costs exceed \$500,000.

This bill would provide that reimbursement for costs mandated by the bill shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$500,000 shall be payable from the State Mandates Claims Fund.

### **HEALTH AND SAFETY CODE**

199.42 Personally identifying information confidentiality; disclosure; discovery; compelled production; civil penalty; employment or insurance use.

- (a) Public health record relating to acquired immune deficiency syndrome (AIDS), containing personally identifying information, which were developed or acquired by state or local public health agencies shall be confidential and shall not be disclosed, except as otherwise provided by law for public health purposes or pursuant to a written authorization by the person who is the subject of the record or by his or her guardian or conservator.
- (b) State or local public health agencies may disclose personally identifying information in public health records, as described in subdivision (a), to other local, state, or federal public health agencies or to corroborating medical researchers, when the confidential information is necessary to carry out the duties of the agency or

researcher in the investigation, control, or surveillance of disease, as determined by the state or local public health agency.

- (c) Any disclosure authorized by subdivision (a) or (b) shall include only the information necessary for the purpose of the disclosure and shall be made only upon agreement that the information will be kept confidential and will not be further disclosed without written authorization, as described in subdivision (a).
- (d) No confidential public health record, as described in subdivision (a) shall be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding.
- (e) Any person who willfully or maliciously discloses the content of any confidential public health record, as described in subdivision (a) to any third party, except pursuant to a written authorization, as described in subdivision (a) or as otherwise authorized by law, shall be subject to a civil penalty in an amount not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) plus court costs, as determined by the court, which penalty and costs shall be paid to the person whose record was disclosed.
- (f) In the event that a public health record, as described in subdivision (a) is disclosed, the information shall not be used to determine employability, or insurability of any person.



## **Notification of Nondiscrimination Policy**

The Sunnyvale School District is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, harassment, intimidation, and bullying, including discrimination against an individual or group, on the basis of actual or perceived ancestry, color, national origin, sex, age, religion, gender, sexual orientation, gender expression, gender identity, actual or potential marital or parental status, pregnancy, actual or potential family status, physical or mental disability, nationality, race or ethnicity, ethnic group identification, medical condition, genetic information, homelessness or foster status; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. (BP 410, BP/AR 4030, BP/AR 5145.3)

## **Notification of Sexual Harassment Policy**

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

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation. (BP/AR 4119.11, BP/AR 4219.11, BP/AR 4319.11, BP/AR 5145.7)

## Philosophy, Goals, Objectives and Comprehensive Plans

### **Nondiscrimination In District Programs And Activities**

The Governing Board is committed to providing equal opportunity for all individuals in education. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, ethnic group identification, age, religion, pregnancy, actual or potential marital or parental status, actual or potential family status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

- (cf. 1240 - Volunteer Assistance)
- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4033 - Lactation Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)
- (cf. 5131.2 - Bullying)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6145 - Extracurricular and Cocurricular Activities)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education Under Section 504)
- (cf. 6178 - Career Technical Education)
- (cf. 6200 - Adult Education)

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

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

- (cf. 1330 - Use of Facilities)

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups and, as applicable, to the public. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

(cf. 5145.6 - Parental Notifications)

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

#### Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 - Animals at School)

(cf. 7110 - Facilities Master Plan)

(cf. 7111 - Evaluating Existing Buildings)

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

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

(cf. 6020 - Parent Involvement)

(cf. 9320 - Meetings and Notices)  
 (cf. 9322 - Agenda/Meeting Materials)

The Assistant Superintendent of Special Education and Student Services is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Assistant Superintendent of Special Education/Student Services  
 Sunnyvale School District  
 P.O. Box 3217  
 Sunnyvale, CA 94088-3217  
 (408) 522-8200

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

51007 Legislative intent: state policy

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

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

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

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-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

## 36.303 Auxiliary aids and services

## CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

## Management Resources:

## CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

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

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

## CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment

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

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Electronic Book Readers, June 29, 2010

Notice of Non-Discrimination, January 1999

Protecting Students from Harassment and Hate Crime, January 1999

Nondiscrimination in Employment Practices in Education, August 1991

## U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

2010 ADA Standards for Accessible Design, September 2010

Accessibility of State and Local Government Websites to People with Disabilities, June 2003

## WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

## WEB SITES

CSBA: <http://www.csba.org>California Department of Education: <http://www.cde.ca.gov>California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>Safe Schools Coalition: <http://www.casafeschools.org>Pacific ADA Center: <http://www.adapacific.org>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act:

<http://www.ada.gov>U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>

Policy

adopted: August 10, 2017

SUNNYVALE SCHOOL DISTRICT

Sunnyvale, California

## **Sunnyvale School District**

### *Human Resources*

#### **SEXUAL HARASSMENT**

Attached is a copy of the Sunnyvale School District's Board Policy and Administrative Regulation on Sexual Harassment which is annually provided to all school district employees. In addition to the policy and regulation, the district is including an informational pamphlet about sexual harassment provided by the California Department of Fair Employment and Housing (DFEH).

The Governing Board of the Sunnyvale School District upholds State and Federal laws which prohibit sexual harassment in the working environment of district employees, applicants, or by any person, in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Any employee, or applicant for employment, who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator or the Superintendent, or designee, in order to obtain procedures for reporting a complaint. Complaints of harassment can be filed in accordance with *Administrative Regulation 4030 – Nondiscrimination in Employment*.

All Personnel

**Sexual Harassment**

The Governing Board prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 4030 - Nondiscrimination in Employment)

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

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

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

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

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

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 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 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS

GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

All Personnel

### **Sexual Harassment**

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

#### Definitions

*Prohibited sexual harassment* includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

*Prohibited sexual harassment* also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

#### Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)  
 (cf. 4030 - Nondiscrimination in Employment)  
 (cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

*A supervisory employee* is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

#### Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

## BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

- 1 *Unwanted sexual advances*
- 2 *Offering employment benefits in exchange for sexual favors*
- 3 *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
- 4 *Derogatory comments, epithets, slurs, or jokes*
- 5 *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
- 6 *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.



## SEXUAL HARASSMENT

### FOR MORE INFORMATION

Department of Fair Employment and Housing  
 Toll Free: (800) 884-1684  
 TTY: (800) 700-2320  
 Online: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Also find us on:



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov).

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov) to discuss your preferred format to access our materials or webpages.

### THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

### THERE ARE TWO TYPES OF SEXUAL HARASSMENT

- ① **"Quid pro quo"** (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
- ② **"Hostile work environment"** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

# CIVIL REMEDIES:



# ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1 *Damages for emotional distress from each employer or person in violation of the law*
- 2 *Hiring or reinstatement*
- 3 *Back pay or promotion*
- 4 *Changes in the policies or practices of the employer*

## EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

- ① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- ② Post a copy of the Department’s employment poster entitled “California Law Prohibits Workplace Discrimination and Harassment.”
- ③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
  - Be in writing.
  - List all protected groups under the FEHA.
  - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
  - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.

- Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
- Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources

manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- ④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
  - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
  - Sending the policy via email with an acknowledgment return form.
  - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
  - Discussing policies upon hire and/or during a new hire orientation session.
  - Using any other method that ensures employees received and understand the policy.
- ⑤ If the employer’s workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
- ⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

# **Sunnyvale School District**

## *Human Resources*

### **Board Policy 4030 – Nondiscrimination in Employment and Administrative Regulation 4030 – Nondiscrimination in Employment**

Board Policy 4030 – Nondiscrimination in Employment and Administrative Regulation 4030 – Nondiscrimination in Employment, define discrimination in employment and unlawful harassment in employment, and provide employees and applicants for employment with information about their right to file complaints concerning such discrimination. The District urges all employees to read the attached information for a greater understanding of the issues.

A copy of the above policy and regulation will be posted in the staff rooms at the school sites and online at [www.sesd.org](http://www.sesd.org). You may also obtain a copy from the Human Resources Department.

All Personnel

### **Nondiscrimination in Employment**

The Governing Board is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

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

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

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

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

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

(cf. 4151/4251/4351 - Employee Compensation)

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

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
  - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)

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

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which

conflicts with an employment requirement.

- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

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

- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

(cf. 4032 - Reasonable Accommodation)

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

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

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

In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

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

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

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

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONSThompson v. North American Stainless LP, (2011) 131 S.Ct. 863Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

## Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONSCalifornia Law Prohibits Workplace Discrimination and Harassment, December 2014U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONSNotice of Non-Discrimination, August 2010U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONSQuestions and Answers: Religious Discrimination in the Workplace, 2008New Compliance Manual Section 15: Race and Color Discrimination, April 2006

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

WEB SITES

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

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

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

Policy  
adopted: February 16, 2017

SUNNYVALE SCHOOL DISTRICT  
Sunnyvale, California

All Personnel

### **Nondiscrimination in Employment**

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

Human Resources Administrator  
819 West Iowa Avenue  
Sunnyvale, CA 94086  
408-522-8200  
[www.sesd.org](http://www.sesd.org)

### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
  - a. a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
  - a. b. Posting them in all district schools and offices, including staff lounges and other prominent locations
  - a. c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
  - a. a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
  - a. b. Sending the policy via email with an acknowledgment return form
  - a. c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
  - a. d. Discussing the policy with employees upon hire and/or during a new hire orientation

session

- a. e. Any other way that ensures employees receive and understand the policy

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

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

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

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)

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

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

#### Complaint Procedure

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform his/her direct supervisor, another supervisor, the coordinator, the Superintendent or Human Resources.

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

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

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

complaint.

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 4032 - Reasonable Accommodation)

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

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)  
(cf. 4112.6/4212.6/4312.6 - Personnel Files)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

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

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

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

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

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

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.

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

4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Superintendent within ten (10) business days of receiving the written report of the coordinator's findings. The Superintendent may appoint a qualified, independent hearing officer to review the complaint and findings. The independent hearing officer or Superintendent will conduct a hearing within a reasonable period of time but not less than thirty (30) calendar days after the filing of a request for hearing. The independent hearing officer or Superintendent will soon thereafter issue findings and recommendations to resolve the matter.

The Board will make a final decision as soon as practicable following the independent hearing officer's or Superintendent's findings and recommendations are issued.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

#### Other Remedies

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

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

# *Sunnyvale School District*

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

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

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

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

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

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.

2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

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

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

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

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

The staff members responsible to receive UCP complaints in our agency are:

Assistant Superintendent, Curriculum, Instruction, and Assessment  
Sunnyvale School District  
P.O. Box 3217  
Sunnyvale, CA 94088-3217  
(408) 522-8200

Deputy Superintendent of Human Resources (Lead Compliance Officer)  
Sunnyvale School District  
P.O. Box 3217  
Sunnyvale, CA 94088-3217  
(408) 522-8200

Assistant Superintendent of Special Education and Student Services  
Sunnyvale School District  
P.O. Box 3217  
Sunnyvale, CA 94088-3217  
(408) 522-8200

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

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

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

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

## Community Relations

### Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing all programs and activities that are subject to the UCP in: Adult Education, After School Education and Safety, Agricultural Vocational Education, American Indian Education Centers and Early Childhood Education Program Assessments, Bilingual Education, California Peer Assistance and Review Programs for Teachers, Career Technical and Technical Education; Career Technical; Technical Training, Career Technical Education, Child Care and Development, Child Nutrition, Compensatory Education, Consolidated Categorical Aid, Course Periods without Educational Content (for grades nine through twelve), Economic Impact Aid, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, English Learner Programs, Every Student Succeeds Act/No Child Left Behind (Titles I-VII), Local Control and Accountability Plans (LCAP), Migrant Education, Physical Education Instructional Minutes (for grades one through six), Pupil Fees, Reasonable Accommodations to a Lactating Pupil, Regional Occupational Centers and Programs, School Safety Plans, Special Education, State Preschool, Tobacco-Use Prevention Education, and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610) or charging pupil fees for participation in an educational activity or non-compliance with the requirements of the District's LCAP.

(cf. 3553 - Free and Reduced Price Meals)  
 (cf. 3555 - Nutrition Program Compliance)  
 (cf. 5141.4 - Child Abuse Prevention and Reporting)  
 (cf. 5148 - Child Care and Development)  
 (cf. 5148.2 - Before/After School Programs)  
 (cf. 6159 - Individualized Education Program)  
 (cf. 6171 - Title I Programs)  
 (cf. 6174 - Education for English Learners)  
 (cf. 6175 - Migrant Education Program)  
 (cf. 6178 - Career Technical Education)  
 (cf. 6178.1 - Work-Based Learning)  
 (cf. 6178.2 - Regional Occupational Center/Program)  
 (cf. 6200 - Adult Education)

2. Any complaint alleging the occurrence of unlawful discrimination, harassment, intimidation, or bullying, against any student, employee, or other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, pregnancy, physical or mental disability, sex, sexual orientation,

gender, gender identity, gender expression, or genetic information, actual or potential marital or parental status, actual or potential family status, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

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

(cf. 3260 - Fees and Charges)

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

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

9. Any complaint alleging district noncompliance with the physical education instructional minutes

requirement for students in elementary school (Education Code 51210, 51223)

(cf. 6142.7 - Physical Education and Activity)

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

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
 (cf. 5125 - Student Records)  
 (cf. 9011 - Disclosure of Confidential/Privileged Information)

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

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

(cf. 4131 - Staff Development)  
 (cf. 4231 - Staff Development)  
 (cf. 4331 - Staff Development)

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

(cf. 3580 - District Records)

#### Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of

Social Services, the County Protective Services Division, and the appropriate law enforcement agency.

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

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
 222 Reasonable accommodations; lactating students  
 8200-8498 Child care and development programs  
 8500-8538 Adult basic education  
 18100-18203 School libraries  
 32289 School safety plan, uniform complaint procedures  
 35186 Williams uniform complaint procedures  
 48853-48853.5 Foster youth  
 48985 Notices in language other than English  
 49010-49013 Student fees  
 49060-49079 Student records  
 49069.5 Rights of parents  
 49490-49590 Child nutrition programs  
 51210 Courses of study grades 1-6  
 51223 Physical education, elementary schools  
 51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students; course credits; graduation requirements  
 51228.1-51228.3 Course periods without educational content  
 52060-52077 Local control and accountability plan, especially:  
 52075 Complaint for lack of compliance with local control and accountability plan requirements  
 52160-52178 Bilingual education programs  
 52300-52490 Career technical education  
 52500-52616.24 Adult schools  
 54400-54425 Compensatory education programs  
 54440-54445 Migrant education  
 54460-54529 Compensatory education programs  
 56000-56867 Special education programs

59000-59300 Special schools and centers  
 64000-64001 Consolidated application process  
 GOVERNMENT CODE  
 11135 Nondiscrimination in programs or activities funded by state  
 12900-12996 Fair Employment and Housing Act  
 PENAL CODE  
 422.55 Hate crime; definition  
 422.6 Interference with constitutional right or privilege  
 CODE OF REGULATIONS, TITLE 2  
 11023 Harassment and discrimination prevention and correction  
 CODE OF REGULATIONS, TITLE 5  
 3080 Application of section  
 4600-4687 Uniform complaint procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs  
 UNITED STATES CODE, TITLE 20  
 1221 Application of laws  
 1232g Family Educational Rights and Privacy Act  
 1681-1688 Title IX of the Education Amendments of 1972  
 6301-6577 Title I basic programs  
 6801-7014 Title III language instruction for limited English proficient and immigrant students  
 7101-7184 Safe and Drug-Free Schools and Communities Act  
 7201-7283g Title V promoting informed parental choice and innovative programs  
 7301-7372 Title V rural and low-income school programs  
 12101-12213 Title II equal opportunity for individuals with disabilities  
 UNITED STATES CODE, TITLE 29  
 794 Section 504 of Rehabilitation Act of 1973  
 UNITED STATES CODE, TITLE 42  
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
 6101-6107 Age Discrimination Act of 1975  
 CODE OF FEDERAL REGULATIONS, TITLE 28  
 35.107 Nondiscrimination on basis of disability; complaints  
 CODE OF FEDERAL REGULATIONS, TITLE 34  
 99.1-99.67 Family Educational Rights and Privacy Act  
 100.3 Prohibition of discrimination on basis of race, color or national origin  
 104.7 Designation of responsible employee for Section 504  
 CODE OF FEDERAL REGULATIONS, TITLE 34  
 106.8 Designation of responsible employee for Title IX  
 106.9 Notification of nondiscrimination on basis of sex  
 110.25 Notification of nondiscrimination on the basis of age

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
 Dear Colleague Letter: Title IX Coordinators, April 2015  
 Questions and Answers on Title IX and Sexual Violence, April 2014  
 Dear Colleague Letter: Bullying of Students with Disabilities, August 2013  
 Dear Colleague Letter: Sexual Violence, April 2011  
 Dear Colleague Letter: Harassment and Bullying, October 2010  
 Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or  
 Third Parties, January 2001  
 U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

WEB SITES

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

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

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

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

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

Policy  
adopted: August 10, 2017

SUNNYVALE SCHOOL DISTRICT  
Sunnyvale, California

## Community Relations

### Uniform Complaint Procedures

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

(cf. 1312.1 - Complaints Concerning District Employees)  
 (cf. 1312.2 - Complaints Concerning Instructional Materials)  
 (cf. 1312.4 - Williams Uniform Complaint Procedures)  
 (cf. 4030 - Nondiscrimination in Employment)

### Compliance Officers

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

(cf. 5145.3 - Nondiscrimination/Harassment)  
 (cf. 5145.7 - Sexual Harassment)

Assistant Superintendent, Curriculum, Instruction, and Assessment  
 Sunnyvale School District  
 P.O. Box 3217  
 Sunnyvale, CA 94088-3217  
 (408) 522-8200

Deputy Superintendent of Human Resources (Lead Compliance Officer)  
 Sunnyvale School District  
 P.O. Box 3217  
 Sunnyvale, CA 94088-3217  
 (408) 522-8200

Assistant Superintendent of Special Education and Student Services  
 Sunnyvale School District  
 P.O. Box 3217  
 Sunnyvale, CA 94088-3217  
 (408) 522-8200

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

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

against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints regarding unlawful discrimination, harassment, intimidation, or bullying, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)  
(cf. 9124 - Attorney)

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

#### Notifications

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

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)  
(cf. 0460 - Local Control and Accountability Plan)  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 3260 - Fees and Charges)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)  
(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.3 - Education for Juvenile Court School Students)

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving complaints regarding unlawful discrimination, harassment, intimidation, or bullying.
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination, harassment, intimidation,

or bullying and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth, homeless student, or former juvenile court school student who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:
  - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
  - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
- j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
 

In any complaint alleging unlawful discrimination, harassment, intimidation, or bullying, the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- l. Copies of the district's UCP are available free of charge.

#### District Responsibilities

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

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying, the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

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

#### Filing of Complaints

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

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

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

the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### Mediation

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

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

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

### Investigation of Complaint

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

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably

accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

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

#### Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant, and respondent if there is one, a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

#### Final Written Decision

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

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

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

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

For complaints of unlawful discrimination, harassment, intimidation, or bullying, the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

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

For complaints alleging unlawful discrimination, harassment, intimidation, or bullying, the decision shall also include a notice to the complainant that:

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

#### Corrective Actions

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

For complaints involving retaliation or unlawful discrimination, harassment, intimidation, or bullying, appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

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

When an employee is found to have committed retaliation unlawful discrimination, harassment, intimidation, or bullying, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

If the Sunnyvale School District finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil and Physical Education Instructional Minutes (grades one through eight), the district shall provide a remedy. In the case of complaints regarding Reasonable Accommodations to a Lactating Pupil and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil.

Statements that if a public school or LEA finds merit in a complaint regarding Pupil Fees, LCAPs, Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now

enrolled in a school district, Reasonable Accommodations to a Lactating Pupil and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy.

In the case of complaints regarding: Course Periods without Educational content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil. In the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes and LCAP, the remedy shall to go all affected pupils and parents/guardians.

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

#### Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination, harassment, intimidation, or bullying is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

# notice to employees

## If a work injury occurs

California law guarantees certain benefits to employees who are injured or become ill because of their jobs.

Any job related injury or illness is covered. Types of injuries and illnesses covered include, but may not be limited to, strains, sprains, cuts, cumulative or repetitive fractures, illnesses and aggravations. Some injuries from voluntary, off duty, recreational, social or athletic activity may not be covered. Check with your supervisor or claims administrator if you have questions.

All work related injuries must be reported to your supervisor or employee representative immediately. If you wait too long, you may lose your right to benefits. Your employer is required to provide you a claim form within one working day after learning about your injury.

It is illegal for your employer to punish or fire you for having a work injury or illness, for filing a claim, or testifying in another person's workers' compensation case. If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

## Workers' Compensation Benefits include

**MEDICAL CARE** - All medical treatment - without a deductible or dollar limit. Within one working day after you file a claim form, treatment must be authorized, consistent with the applicable treating guidelines, for your alleged injury up to ten thousand dollars (\$10,000) until the claim has been accepted or rejected. Costs are paid directly by the claim administrator, so you should never see a bill. For dates of injury on or after 1/1/04 there is a limit on some medical treatment.

You may be eligible to treat with your personal physician should you become injured on the job. If eligible, you must notify your employer *in writing before* you are injured. If you have questions please contact your employer who is required to provide written information regarding workers' compensation benefits to all new employees.

**MEDICAL PROVIDER NETWORKS** - Your employer may be using an MPN, which is a selected network of healthcare providers to provide treatment to workers injured on the job. If you have predesignated a personal physician prior to your work injury, then you may receive treatment from your predesignated doctor or medical group. If you have not predesignated and your employer is using an MPN, you are free to choose an appropriate provider from the MPN list which will be your primary treating physician. This is the doctor with overall responsibility for treating your injury or illness. If you are treating with a non-MPN doctor for an existing injury, you may be required to change to a doctor within the MPN.

**PAYMENT FOR LOST WAGES** - If you're temporarily disabled by a job injury or illness, you'll receive tax-free income, subject to state limits, until your doctor says you are able to return to work. Payments are two-thirds of your average weekly pay, up to a maximum set by state law. Payments aren't made for the first three days unless you're hospitalized as an inpatient or unable to work more than 14 days.

If the injury or illness results in permanent disability, additional payments will be made after recovery. If the injury results in death, benefits will be paid to surviving dependents.

**SUPPLEMENTAL JOB DISPLACEMENT BENEFIT** - You may be entitled to a Supplemental Job Displacement Voucher, if your employer is not able to return you to work within 30 days after temporary disability ends. SJDB is a non-transferrable voucher payable to a state approved school.

## In the event of a work injury

1. Be sure first aid is given.
2. If emergency medical treatment is needed call 911.
3. See that the injured employee is taken to a doctor or hospital, if necessary.
4. Report all injuries immediately to your supervisor or \_\_\_\_\_ at \_\_\_\_\_  
Employer Representative Phone Number
5. Contact your employer representative or claim administrator if you have questions about workers' compensation. You may also contact an Information and Assistance Officer at the State Division of Workers' Compensation at \_\_\_\_\_
6. Hear recorded information and a list of local offices by calling toll-free 800 736-7401 or visit [www.dir.ca.gov](http://www.dir.ca.gov).

## Claims Administered by:

Claims Administrator: **Keenan & Associates**  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Carrier/Self Insured: \_\_\_\_\_  
Policy expiration date: \_\_\_\_\_  
MPN Toll Free Number: \_\_\_\_\_  
MPN Website: \_\_\_\_\_  
MPN Effective Date: \_\_\_\_\_  
MPN Identification #: \_\_\_\_\_  
MPN's Address: \_\_\_\_\_

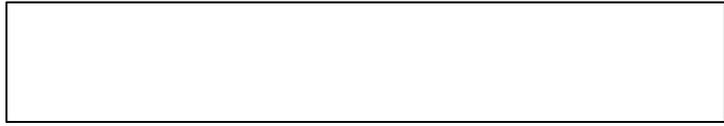
## Emergency numbers:

Ambulance: **911**  
Fire Department: **911**  
Police: **911**  
Hospital: **911**  
Physician: \_\_\_\_\_

If this policy has expired contact the labor commissioner (213) 620-6630.

Anyone who knowingly files or assists in the filing of a false workers' compensation claim may be fined up to \$150,000 and sent to prison for up to five years. (Insurance Code Section 1871.4)

Your employer may not be liable for the payment of workers' compensation benefits for any injury that arises from your voluntary participation in any **off-duty, recreational, social, or athletic activity** that is not part of your work-related duties



## COMPANY NURSE® INJURY REPORTING

**NOTE: If life- or limb-threatening injury only, call 911!!  
Then report the injury / incident after the employee is  
stabilized.**

### Step 1

#### MAKE THE CALL BEFORE SEEKING TREATMENT

- Notify supervisor of the injury/incident
- In a quiet place, employee and/or supervisor call Company Nurse at **1-877-518-6702**
- You will be asked to provide the following information during the call:
  1. Search Code - **SCS04**
  2. Employer name and/or worksite
  3. Employee personal information
  4. Injury details: Who? What? When? Where?
- Possible Outcomes as a result of the Call:
  - Self-care or basic first aid, OR
  - Referral to medical facility by a Nurse – Occ Health or Urgent Care or ER
- **IMPORTANT!**
  - *Translators are available for more than 170 different languages*
  - *Be prepared to write down a Call Confirmation Number*

### Step 2

#### REPORT DISTRIBUTION AFTER THE CALL

- Report of Injury is emailed or faxed to key stakeholders at the employer
- If injured employee is referred for medical treatment, an Alert will be sent immediately to the medical provider to expect the employee at their facility

### Step 3

#### FOLLOW-UP CALL

- Additional Nurse Advice: Employees who were triaged by a nurse but not initially referred, are welcome to call our nurses again if injuries become worse or new symptoms develop for which they may require additional nurse advice or injury triage services and a possible referral for medical treatment.

# Sunnyvale School District

## *Human Resources*

### **EMPLOYEE USE OF TECHNOLOGY**

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

The district expects all employees to use technology responsibly in order to avoid potential problems and liability. The district may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

The district makes no guarantee that the functions or services provided by or through the district will be without defect. In addition, the district is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use district technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

#### Definitions

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

#### Employee Obligations and Responsibilities

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

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

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

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive district, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee

4. Engage in unlawful use of district technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or Board policy, administrative regulation, or district practice

#### Privacy

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

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

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

#### Personally Owned Devices

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

#### Records

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

#### Reporting

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

#### Consequences for Violation

Violations of the law, Board Policy, or Administrative Regulation may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

## Business and Noninstructional Operations

### Environmental Safety

The Governing Board recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks and shall develop strategies to prevent and/or mitigate environmental hazards. He/she shall consider the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff and students, including the impact on student achievement and attendance.

- (cf. 0200 - Goals for the School District)
- (cf. 0400 - Comprehensive Plans)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 3516.3 - Earthquake Emergency Procedure System)
- (cf. 3517 - Facilities Inspection)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 5142 - Safety)
- (cf. 7111 - Evaluating Existing Buildings)

Such strategies shall focus on maximizing healthy indoor air quality; monitoring the quality of outdoor air and adjusting outdoor activities as necessary; reducing exposure to vehicle emissions; minimizing exposure to lead and mercury; reducing the risk of unsafe drinking water; inspecting and properly abating asbestos; appropriately storing, using, and disposing of potentially hazardous substances; using effective least toxic pest management practices; reducing the risk of foodborne illness; and addressing any other environmental hazards identified during facilities inspections.

- (cf. 3510 - Green School Operations)
- (cf. 3513.3 - Tobacco-Free Schools)
- (cf. 3514.1 - Hazardous Substances)
- (cf. 3514.2 - Integrated Pest Management)
- (cf. 3516.5 - Emergency Schedules)
- (cf. 3540 - Transportation)
- (cf. 3541.1 - Transportation for School-Related Trips)
- (cf. 3542 - School Bus Drivers)
- (cf. 3550 - Food Service/Child Nutrition Program)
- (cf. 5141.23 - Asthma Management)
- (cf. 5141.7 - Sun Safety)
- (cf. 5142.2 - Safe Routes to School Program)
- (cf. 6142.7 - Physical Education and Activity)
- (cf. 6163.2 - Animals at School)
- (cf. 7150 - Site Selection and Development)

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, water boards, and other community organizations.

- (cf. 1020 - Youth Services)

The Superintendent or designee shall provide the district's maintenance and facilities staff, bus drivers, food services staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmentally safe and healthy schools.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the district's actions to remedy the hazard and may recommend health screening of staff and students.

(cf. 5141.6 - School Health Services)

#### Legal Reference:

##### EDUCATION CODE

17002 Definition of "good repair"

17070.75 Facilities inspection

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17614 Healthy Schools Act of 2000, least toxic pest management practices

32080-32081 Carbon monoxide devices

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

##### FOOD AND AGRICULTURAL CODE

11401-12408 Pest control operations and agricultural chemicals

13180-13188 Healthy Schools Act of 2000, least toxic pest management practices

##### GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

##### HEALTH AND SAFETY CODE

105400-105430 Indoor environmental quality

113700-114437 California Retail Food Code, sanitation and safety requirements

116277 Lead testing of potable water at schools and requirements to remedy

##### CODE OF REGULATIONS, TITLE 5

14010 Standards for school site selection

##### CODE OF REGULATIONS, TITLE 8

337-339 Hazardous substances list

340-340.2 Occupational safety and health, rights of employees

1528-1537 Construction safety orders; exposure to hazards

5139-5223 Control of hazardous substances

##### CODE OF REGULATIONS, TITLE 13

2025 Retrofitting of diesel school buses

2480 Vehicle idling

CODE OF REGULATIONS, TITLE 17  
 35001-36100 Lead abatement services  
 CODE OF REGULATIONS, TITLE 22  
 64670-64679 Lead and copper in drinking water  
 CODE OF REGULATIONS, TITLE 24  
 915.1-915.7 California Building Standards Code; carbon monoxide devices  
 UNITED STATES CODE, TITLE 7  
 136-136y Use of pesticides  
 UNITED STATES CODE, TITLE 15  
 2601-2629 Control of toxic substances  
 2641-2656 Asbestos Hazard Emergency Response Act  
 UNITED STATES CODE, TITLE 42  
 1758 Food safety and inspections  
 CODE OF FEDERAL REGULATIONS, TITLE 40  
 141.1-141.723 Drinking water standards  
 745.61-745.339 Lead-based paint standards  
 763.80-763.99 Asbestos-containing materials in schools  
 763.120-763.123 Asbestos worker protections

Management Resources:

CSBA PUBLICATIONS

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

Food Safety Requirements, Fact Sheet, October 2007

Sun Safety in Schools, Policy Brief, July 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

School Site Selection and Approval Guide, 2000

Indoor Air Quality, A Guide for Educators, 1995

CALIFORNIA DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

Report to the Legislature: Lead Hazards in California's Public Elementary Schools and Child Care Facilities, April 1998

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY: AIR RESOURCES BOARD PUBLICATIONS

Facts about Truck and Bus Regulation School Bus Provisions, rev. March 22, 2011

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD PUBLICATIONS

Frequently Asked Questions about Lead Testing of Drinking Water in California Schools; Updated for Assembly Bill 746/Health and Safety Code 116277, December 15, 2017

DIVISION OF THE STATE ARCHITECT PUBLICATIONS

K-12 Occupancy Classification and Load Factors, IR A-26, rev. April 18, 2012

U.S. ENVIRONMENTAL PROTECTION AGENCY PUBLICATIONS

A Citizen's Guide to Radon: The Guide to Protecting Yourself and Your Family from Radon, 2016

Healthy School Environments Assessment Tool, rev. 2015

Indoor Air Quality Tools for Schools, rev. 2009

Mold Remediation in Schools and Commercial Buildings, September 2008

The ABCs of Asbestos in Schools, rev. August 2003

How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996

WEB SITES

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

AirNow: <http://www.airnow.gov>

American Association of School Administrators: <http://www.aasa.org>  
California Air Resources Board: <http://www.arb.ca.gov>  
California Building Standards: <http://www.bsc.ca.gov/codes.aspx>  
California Department of Education, Health and Safety:  
<http://www.cde.ca.gov/ls/fa/hs>  
California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>  
California Department of Public Health: <http://www.cdph.ca.gov>  
California State Water Resources Control Board: <http://www.waterboards.ca.gov>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
Consumer Product Safety Commission: <http://www.cpsc.gov>  
National Center for Environmental Health: <http://www.cdc.gov/nceh>  
Occupational Safety and Health Administration: <http://www.osha.gov>  
U.S. Environmental Protection Agency: <http://www.epa.gov>

Policy  
adopted: October 4, 2018

SUNNYVALE SCHOOL DISTRICT  
Sunnyvale, California

## Business and Noninstructional Operations

### Environmental Safety

The Superintendent may designate and train one or more employees to oversee and coordinate the district's environmental safety program(s). The responsibilities of the coordinator(s) shall include, but are not limited to, overseeing assessments of district facilities, recommending strategies for the prevention and mitigation of environmental health risks, ensuring effective implementation of environmental safety strategies, and reporting to the Superintendent regarding the district's progress in addressing environmental safety concerns.

- (cf. 3510 - Green School Operations)
- (cf. 3511 - Energy and Water Management)
- (cf. 3517 - Facilities Inspection)
- (cf. 4157/4257/4357 - Employee Safety)
- (cf. 5142 - Safety)
- (cf. 7111 - Evaluating Existing Buildings)
- (cf. 7150 - Site Selection and Development)

### Indoor Air Quality

In order to provide proper ventilation, humidity, and temperature in school facilities and to reduce indoor air contaminants, the Superintendent or designee shall ensure that the following strategies are implemented:

1. Mechanically driven heating, ventilation, and air conditioning systems shall be operated continuously during working hours except under the circumstances specified in 8 CCR 5142. The systems shall be inspected at least annually and problems corrected within a reasonable time. Where the air supply is filtered, the filters shall be replaced or cleaned regularly to prevent significant reductions in airflow. Documentation of inspections, tests of ventilation rates, and maintenance shall be retained for at least five years. (8 CCR 5142-5143)

- (cf. 3580 - District Records)

Staff shall ensure that airflow is not obstructed by the blocking of ventilators with posters, furniture, books, or other obstacles.

2. School facilities shall be regularly inspected for water damage, spills, leaks in plumbing and roofs, poor drainage, and improper ventilation so as to preclude the buildup of mold and mildew. Wet building materials and furnishings shall be dried within 48 hours if possible to prevent mold growth. When evidence of mold or mildew is found, maintenance staff shall locate and repair the source of water intrusion and remove or clean moldy materials.

3. Exterior wall and foundation cracks and openings shall be sealed as soon as possible, to minimize seepage of radon into buildings from surrounding soils.

4. Least toxic pest management practices shall be used to control and manage pests at school sites. (Education Code 17608-17614; Food and Agriculture Code 13182)

- (cf. 3514.2 - Integrated Pest Management)

5. The Superintendent or designee shall install a carbon monoxide detector or alarm in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace. The device or alarm shall be located in close proximity to the appliance in order to accurately detect and alert school personnel of any leakage of carbon monoxide. (24 CCR 915.1-915.7)

6. Schedules and practices for routine housekeeping and maintenance shall be designed to effectively reduce levels of dust, dirt, and debris. Plain water, soap and water, or low-emission cleaning products shall be used whenever possible. Aerosols, including air fresheners and other products containing ozone, shall be avoided to the extent possible.

(cf. 5141.23 - Asthma Management)

7. Painting of school facilities and maintenance or repair activities that require the use of potentially harmful substances shall be limited to those times when school is not in session. Following any such activity, the facility shall be properly ventilated with adequate time allowed prior to reopening for use by any person.

8. Paints, adhesives, and solvents shall be used and stored in well-ventilated areas. These items shall be purchased in small quantities to avoid storage exposure.

(cf. 3514.1 - Hazardous Substances)

9. To the extent possible, printing and duplicating equipment that may generate indoor air pollutants, such as methyl alcohol or ammonia, shall be placed in locations that are well ventilated and not frequented by students and staff.

10. The district's tobacco-free schools policy shall be consistently enforced in order to reduce the health risks caused by second-hand smoke.

(cf. 3513.3 - Tobacco-Free Schools)

11. Staff and students shall be asked to refrain from bringing common irritants such as furred or feathered animals, stuffed toys that may collect dust mites, scented candles, incense, or air fresheners and from using perfume or cologne, scented lotion or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms or other enclosed areas or buildings.

(cf. 6163.2 - Animals at School)

#### Outdoor Air Quality

The Superintendent or designee may monitor local health advisories and outdoor air quality alerts, including forecasts of ozone levels, particle pollution, ultraviolet radiation levels, and/or temperature and humidity.

Whenever these measures indicate a significant health risk, the Superintendent or designee shall communicate with each principal so that outdoor activities, especially those requiring prolonged or heavy exertion, may be avoided, limited in duration, or modified as necessary for all persons or for persons who may be particularly susceptible to the health risk involved.

(cf. 5141.7 - Sun Safety)  
 (cf. 6142.7 - Physical Education and Activity)  
 (cf. 6145 - Extracurricular and Cocurricular Activities)  
 (cf. 6145.2 - Athletic Competition)

#### Vehicle Emissions

In order to reduce public exposure to toxic air contaminants, school bus drivers and other drivers of commercial motor vehicles shall limit unnecessary idling of vehicles at or near schools in accordance with 13 CCR 2480. The Superintendent or designee may also request parents/guardians to turn off their vehicles when they are idling on school grounds and encourage students to walk and/or bicycle to school.

(cf. 3540 - Transportation)  
 (cf. 3541.1 - Transportation for School-Related Trips)  
 (cf. 3542 - School Bus Drivers)  
 (cf. 5142.2 - Safe Routes to School Program)

Any diesel-fueled, dual-fueled, or alternative diesel-fueled school bus with a gross vehicle weight rating over 14,000 pounds shall be equipped with a particulate filter designed to reduce particulate matter emissions, oxides of nitrogen emissions, and other pollutants. (13 CCR 2025)

#### Drinking Water

The quality and safety of the district's drinking water sources shall be regularly assessed, and drinking fountains shall be regularly cleaned and maintained to avoid the presence of dirt, mold, or other impurities or health concerns.

Whenever any contaminants in the drinking water are determined to be a concern, the Superintendent or designee shall take reasonable steps to identify the source and mitigate the concern to ensure the availability of safe drinking water. As needed, the Superintendent or designee shall provide alternative sources of drinking water, such as bottled water, to ensure that students have access to fresh drinking water at mealtimes and at other times throughout the day.

(cf. 3550 - Food Service/Child Nutrition Program)

Whenever testing of drinking water finds concentrations of lead that exceed federal and state standards, the Superintendent or designee shall notify parents/guardians and take immediate steps to make inoperable any fountains or faucets where excess lead levels may exist. (Health and Safety Code 116277)

#### Lead Exposure

In addition to keeping school facilities as dust-free and clean as possible, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. Lead-based paint, lead plumbing and solders, or other potential sources of lead contamination shall not be used in the construction of any new school facility or the modernization or renovation of any existing school facility. (Education Code 32244)
2. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and

children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment of dust within the construction area.

3. Lead-based painted surfaces that are in good condition shall be kept intact. If lead-based paint is peeling, flaking, or chalking, contractors or workers shall follow state and federal standards for safe work practices to minimize contamination when removing the paint.

4. Soil with low lead content may be covered with grass, other plantings, concrete, or asphalt. For soil with high lead content, removal and abatement are required.

5. Drinking water shall be regularly tested for lead and remediated as provided in the section "Drinking Water" above.

Any action to abate existing lead hazards, excluding containment or cleaning, shall be taken only by contractors, inspectors, and workers certified by the California Department of Public Health in accordance with 17 CCR 35001-35099. (Education Code 32243)

The Superintendent or designee shall notify parent/guardians, teachers, and staff members if significant risk factors for lead exposure are found. (Education Code 32243)

#### Mercury Exposure

The Superintendent or designee shall identify any products containing mercury that are present in district facilities and, to the extent possible, shall replace them with mercury-free alternatives.

Staff shall receive information about proper procedures to follow in the event of a mercury spill. Clean-up instructions, a clearly labeled kit with necessary clean-up supplies, and a list of local resources shall be readily accessible.

In the event of a spill, staff shall evacuate all students from the immediate area of the spill, ensure that any clothing or other items with mercury on them remain in the room, open windows to the outside, and close doors to other parts of the school. Staff who are trained in proper clean-up procedures may carefully clean a small spill. As needed for larger or difficult-to-clean spills, the Superintendent or designee shall use an experienced professional referred by the local health department or environmental agency.

Any products containing mercury shall be properly disposed at an appropriate hazardous waste collection facility.

#### Asbestos Management

The Superintendent shall designate an employee who shall ensure that the district's responsibilities related to asbestos inspection and abatement are implemented in accordance with federal and state regulations. This employee shall receive adequate training to perform these duties, including, as necessary, training on the health effects of asbestos; detection, identification, and assessment of asbestos-containing materials; options for controlling asbestos-containing building materials; asbestos management programs; and relevant federal and state regulations. (40 CFR 763.84)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The designated employee shall ensure that the district complies with the following requirements:

1. School facilities shall be inspected for asbestos-containing materials as necessary in accordance with the following:
  - a. Any school building that is leased, acquired, or otherwise used by the district shall be inspected for asbestos-containing materials prior to its use as a school building, unless exempted by federal regulations. (40 CFR 763.85, 763.99)
  - b. At least once every six months, the district shall conduct a periodic surveillance consisting of a visual inspection of each school building that contains or is assumed to contain asbestos-containing building materials. (40 CFR 763.92)
  - c. At least once every three years, the district shall conduct a re-inspection of all known or assumed asbestos-containing building materials in each school building. (40 CFR 763.85)
2. Based on the results of the inspection, an appropriate response which is sufficient to protect human health and the environment shall be determined from among the options specified in 40 CFR 763.90. The district may select the least burdensome response, taking into consideration local circumstances, including occupancy and use patterns within the school building and economic concerns such as short-term and long-term costs. (40 CFR 763.90)
3. An asbestos management plan for each school site shall be maintained and regularly updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. (15 USC 2643; 40 CFR 763.93)

The asbestos management plan shall be available for inspection in district and school offices during normal business hours. Parent/guardian, teacher, and employee organizations shall be annually informed of the availability of these plans. (40 CFR 763.84, 763.93)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
(cf. 5145.6 - Parental Notifications)

4. Staff, students, and parents/guardians shall be informed at least once each school year about any inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities, that are planned or in progress. (40 CFR 763.84)
5. Inspections, re-inspections, periodic surveillance, and response actions, including operations and maintenance, shall be conducted in compliance with state and federal regulations for the protection and safety of workers and all other individuals. (Education Code 49410.5; 40 CFR 763.84)

Asbestos inspection and abatement work, preparation of a management plan, and any maintenance activities that may disturb asbestos-containing building materials, except for emergency repairs or small-scale, short-duration maintenance activities, shall be completed by state-certified asbestos inspectors or contractors. (15 USC 2646; 40 CFR 763.84, 763.85, 763.91)

6. All custodial and maintenance employees shall be properly trained in accordance with applicable federal and/or state regulations. (40 CFR 763.84)

All district maintenance and custodial staff who may work in a building that contains asbestos-containing materials, regardless of whether they are required to work with such materials, shall receive at least two hours of related asbestos awareness training. New maintenance and custodial staff shall receive such training within 60 days after beginning employment. Any maintenance or custodial staff who conduct activities that will disturb asbestos-containing materials shall receive 14 hours of additional training. The trainings shall address the topics specified in 40 CFR 763.92. (15 USC 2655; 40 CFR 763.84, 763.92)

7. Short-term workers, such as telephone repair workers, utility workers, or exterminators, who may come in contact with asbestos in a school shall be provided information regarding the locations of known or suspected asbestos-containing building materials. (40 CFR 763.84)

8. Warning labels shall be posted immediately adjacent to any known or suspected asbestos-containing building material located in routine maintenance areas in accordance with 40 CFR 763.95. (40 CFR 763.84)

The district shall maintain, in both the district and school offices and for a period of three years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillances conducted; cleaning, operations, and maintenance activities; and any fiber release episode. (40 CFR 763.94)

# **INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)**

## **ACKNOWLEDGEMENT**

The current version of the Injury and Illness Prevention Program (IIPP) was developed by the 2010-2011 District Safety Committee, consisting of Michael Gallagher, Assistant Superintendent of Human Resources, Kathy Rouse, Operations Manager, Sara Dobbertin, Teacher San Miguel, Donald Pearson, Teacher Cherry Chase, Ingrid Smith, Teacher Sunnyvale Middle School, Paul David Perkins of Transportation, Jeff Engel of Operations, and Steve Hosler, Loss Control Manager, Santa Clara County Schools Insurance Group. The development of this program was facilitated by Michael Gallagher, Assistant Superintendent of Human Resources.

## **RESPONSIBILITY**

The Injury and Illness Prevention Program (IIPP) administrator shall be the Assistant Superintendent, Human Resources, Michael Gallagher. The IIPP Administrator has the authority and responsibility for implementing the provisions of this program for Sunnyvale School District.

Our Superintendent recognizes the importance of maintaining a safe and healthful environment for our employees, students and visitors and requires that all managers and supervisors be responsible for implementing and maintaining the IIPP in their work areas and for answering worker questions about the IIPP. A copy of this IIPP is available at the main office at each location and on the District website ([www.sesd.org](http://www.sesd.org)).

## **COMPLIANCE**

Management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce the rules fairly and uniformly per the negotiated agreements between SSD and “CSEA, Chapter 205, Article XIII, Discriminatory Procedures” and “SEA, Article XIII, Safety Conditions of Employment”.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe work environment.

Our system of ensuring that all workers comply with the rules and maintain a safe work environment includes:

- Informing workers of the provisions of our IIP Program;
- Informing workers of District Safe Work Practices;
- Evaluating the safety performance of all workers;
- Recognizing employees who perform safe and healthful work practices;
- Providing training to workers whose safety performance is deficient;
- Disciplining workers for failure to comply with safe and healthful work practices; and
- Ongoing review of the IIPP and other safety issues by the District Safety Committee.

## **COMMUNICATION**

We recognize that open, two-way communication between management and staff on health and safety issues is essential to an injury-free, productive workplace. The following system of communication is designed to facilitate a continuous flow of safety and health information between management and staff in a form that is readily understandable and consists of one or more of the following items:

- New worker orientation including a presentation and sign-off of the District's General Safe Work Practices.
- Review of our IIPP.
- Workplace safety and health training programs.
- Regularly scheduled safety meetings.
- Effective communication of safety and health concerns between workers and supervisors, including translation where appropriate.
- Posted or distributed safety information.
- A system for workers to report workplace hazards.
- A District safety committee that meets regularly, prepares minutes of the safety committee's meetings, reviews inspections, accidents and exposures as necessary with a goal and objective of maintaining a safe and healthy workplace.

## **HAZARD ASSESSMENT**

Periodic inspections to identify and evaluate workplace hazards are performed by professional from DSA, SCCSIG, the Fire Department, various Consulting Services and District Maintenance and Operations staff. Inspections include, but are not limited to the following:

1. Asbestos Hazard Emergency Response Act (AHERA) Inspections (6 month/ 3 year)
2. DSA Design Reviews and Inspections by Inspector of Record for Construction Projects
3. Food Service Inspections
4. Fire Department, Annual Inspections
5. Fire System Inspections and Tests (6 month)
6. Groundwater and Storm Drain Inspections (annual)
7. Handicapped Lift Inspections (6 month)
8. Hazardous Materials Inspection by the Fire Department (annual)
9. Property Liability Safety Inspections (3 to 5 year)

10. Playgrounds Inspections (weekly, quarterly and for new installations)

11. Williams Act Inspections (annual)

Periodic inspections are performed according to the following schedule:

- When we initially established our IIP Program;
- When new substances, processes, procedures or equipment which present potential new hazards are introduced into our workplace;
- When new, previously unidentified hazards are recognized;
- When occupational injuries and illnesses occur;
- Whenever workplace conditions warrant an inspection.

Periodic inspections consist of identification and evaluation of workplace hazards utilizing applicable sections of the attached Hazard Assessment Checklist or any other effective methods to identify and evaluate workplace hazards.

## **ACCIDENT/EXPOSURE INVESTIGATIONS**

Procedures for investigating workplace accidents and hazardous substance exposures include:

### Processes/Actions

- Visiting the accident scene as soon as possible;
- Interviewing injured workers and witnesses;
- Examining the workplace for factors associated with the accident/exposure;
- Determining the cause of the accident/exposure;
- Taking corrective action to prevent the accident/exposure from reoccurring; and
- Recording the findings and corrective actions taken.

### Forms

- Santa Clara County Schools' Insurance Group Report of Employee Incident/Injury
  - Use for Injury, Illness and Near Miss Investigation Report (page ; 4)
- State Employer's Report of Occupational Injury or Illness
  - Completed online at <http://ultraclaimsonline.insurancevisions.com/>



# SANTA CLARA COUNTY SCHOOLS' INSURANCE GROUP REPORT OF EMPLOYEE INCIDENT/INJURY

DISTRICT

SCHOOL NAME/SITE

## PART 1: TO BE COMPLETED BY THE EMPLOYEE

Name: \_\_\_\_\_ Emp. ID# \_\_\_\_\_

Home address: \_\_\_\_\_ Phone: \_\_\_\_\_

Sex: F / M      Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

To whom did you report this incident? \_\_\_\_\_ Date of injury: \_\_\_\_\_ Time of incident \_\_\_\_\_ AM / PM

Time you begin work: \_\_\_\_\_ AM / PM      Were you unable to work at least one full day after the injury? Y / N

If yes, date last worked \_\_\_\_\_      Have you returned to work? Y / N      If yes, date returned \_\_\_\_\_

Body part injured (Be Specific) \_\_\_\_\_ Have you gone or are you planning to go to a doctor? Y / N

If yes, state name and address of doctor: \_\_\_\_\_

Date you reported incident: \_\_\_\_\_ Location of incident: \_\_\_\_\_

**How did incident occur?** Be specific and detailed \_\_\_\_\_

\_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## PART II: TO BE COMPLETED BY SUPERVISOR/PRINCIPAL

TYPE OF INCIDENT: (Check one)       Injury       Illness       Near Miss

Incident Date: \_\_\_\_\_ Where did the incident occur? \_\_\_\_\_

Did incident occur on school premises? Y / N      Under school jurisdiction? Y / N      Safety Rule(s) violated? Y / N

Was employee working within his/her job description? Y / N      Date employee reported incident: \_\_\_\_\_

Describe the incident (How, why and what happened. Include task being performed, step by step detail of incident, and tool or object involved)

\_\_\_\_\_

\_\_\_\_\_

What caused the incident? \_\_\_\_\_

\_\_\_\_\_

Name(s) of witness(es) & phone #'s \_\_\_\_\_

\_\_\_\_\_

**Describe immediate corrective action:** \_\_\_\_\_

Date immediate corrective action was complete: \_\_\_\_\_ By whom: \_\_\_\_\_

Describe long term corrective action: \_\_\_\_\_

Estimated date long term corrective action will be completed: \_\_\_\_\_ By whom: \_\_\_\_\_

Additional comments: \_\_\_\_\_

Supervisor's/Principal's signature: \_\_\_\_\_ Date: \_\_\_\_\_

White Copy - District Claims Administrator      Yellow Copy - Employee      Pink Copy - Safety Director/Committee

Revised 8/00

## HAZARD CORRECTION

We use a District wide Work Order System to address any necessary corrections stemming from near misses, observed unsafe conditions or corrective action for accidents or injuries.

Unsafe or unhealthy work conditions shall be corrected in a timely manner based on the severity of the hazards. Hazards shall be corrected according to the following procedures:

- When observed or discovered, sites & individuals are required to report necessary hazard corrections through the District Work Order System;
  - *School Secretaries and D.O. Administrative Assistants are key contacts for this system.*
    - A. Safety concerns that require immediate attention should be phoned into the Maintenance and Operations Office 408-522-8225.
    - B. The online Work Order System should be used for all other corrective actions that do not create an immediate danger.
    - C. When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed workers from the area except those necessary to correct the existing condition. Workers necessary to correct the hazardous condition shall be provided with the necessary protection; and
    - D. All such actions taken and dates they are completed shall be documented.

Unsafe practices or procedures that are observed should be reported to immediate supervisors to be addressed by taking correction action or providing necessary training.

## TRAINING AND INSTRUCTION

All workers, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Training and instruction shall be provided as follows:

- When the IIP Program is first established;
- To all new workers, training to be appropriate with employee skill level as determined by the interview process, self-reporting, and observation during the probationary period;
- To all workers given new job assignments for which training has not previously provided;
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard (job specific);
- Whenever the employer is made aware of a new or previously unrecognized hazard;
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed; and
- To all workers with respect to hazards specific to each employee's job assignment.

***Workplace safety and health practices are based on our Hazard Assessment list and documented in our list of training subjects.***

In addition, we provide specific instructions to all workers regarding hazards unique to their job assignment, to the extent that such information was not already covered in other training.

## **LIST OF TRAINING SUBJECTS**

We train our workers about the following training subjects:

General Safe Work Practices.

Good housekeeping, fire prevention, safe practices for operating any construction equipment.

Safe procedures for cleaning, repairing, servicing and adjusting equipment and machinery.

Safe access to working areas.

Heat Stress

Protection from falls.

Electrical hazards, including working around high voltage lines.

Proper use of powered tools.

Lock-out/tag-out procedures.

Materials handling.

Chainsaw and other power tool operation.

Fall protection from elevated locations.

Use of elevated platforms, including condors and scissor lifts.

Driver safety.

Slips, falls, and back injuries.

Ergonomic hazards, including proper lifting techniques and working on ladders or in a stooped posture for prolonged periods at one time.

Personal protective equipment.

Hazardous chemical exposures.

Hazard communication.

Physical hazards, such as heat/cold stress, noise.

Bloodborne pathogens and other biological hazards.

Emergency evacuation plan.

Provisions for medical services and first aid including emergency procedures.

Safety is Everyone's Business

## **RECORDKEEPING**

We are a local governmental entity (any county, city, or district, and any public or quasi-public corporation or public agency therein) and we are not required to keep written records of the steps taken to implement and maintain our IIP Program.

## GENERAL SAFE WORK PRACTICES

When a person is injured on the job, everyone suffers. The injured person may feel pain, embarrassment, and fear, and generally has his/her whole routine disturbed. Co-workers must fill in to try to make up for the absence, and the district loses the talent of a person who probably knows how to do that particular job better than anyone else.

Throughout the district, we have many mechanical guards, safety rails, items of personal protective equipment, etc., but the fact remains that **most accidents are caused by unsafe acts - not faulty equipment**. To help you avoid being hurt, it is important that you follow these rules:

1. Even if you are not a supervisor, **you have a duty to stop any unsafe act**. Another person's carelessness may injure you. Tell him/her what s/he is doing wrong.
2. **Take a special interest in new staff and students**. Warn them of hazards.
3. **Keep floors clean** by picking up liquids or objects immediately after spills. Some very serious injuries occur as a result of slips and falls.
4. **Never put yourself in a position where you must use all your body strength**. When you push or pull too hard on anything, you are likely to slip or injure yourself in some other way.
5. **Report every injury immediately** even if you don't feel that you need to see a doctor. Let your supervisor know.
6. **Don't burn down your place of employment! This is a BIGGIE, folks. If you walk into a room and smell gas**, open a door or window and **do not** turn on lights, appliances, cell phones, etc. **Do not place combustible items near flames or in unventilated areas. Do not stack items within 18" of a ceiling – sprinklers don't do any good if they are covered up!**
7. **Know where your fire extinguisher is located and find out how to use it. Do not block fire extinguishers with furniture or cover them with paper**. Check the extinguisher once a month to make sure it is charged (look at the gauge) and in its place. **Report missing or broken extinguishers** to your site maintenance coordinator or administrative staff immediately.
8. **DO NOT TOUCH** downed utility lines even if you think they are harmless.
9. Don't run **electrical cords** across aisles, walkways, or wet floors. Have cords repaired when they become frayed, and **DON'T OVERLOAD WALL SOCKETS**.
10. **Don't pull out more than one file cabinet drawer at a time. Close drawers of desks and file cabinets before you walk away**. You or someone else could walk into them or trip over them. Put heavy items in bottom drawers.
11. **Don't try to catch heavy or sharp falling objects**. Step back and let them hit the ground. Your well-being is much more important than any object.

12. **Don't place yourself off balance** in order to reach something. Ask for assistance, get a ladder or step stool, or put down what you are already holding in order to maintain proper balance.
13. **Climb on proper ladders or stepstools only**, not on chairs or shelves.
14. **Stacked materials must be stable.** Keep in mind the constant possibility of earthquakes. **Keep heavy items on lower shelves.**
15. **When you must lift**, get close to the load, spread your feet slightly, get a firm grip on the load (hold at opposite corners), keep your back straight and lift with bent knees. When possible, use a cart, dolly, or helper to move heavy items.
16. **When working with a helper**, tell him/her how the operation is supposed to go before you start to do it so you both have the same idea in mind. If you are the helper, don't be afraid to ask questions before beginning the task. **If anyone else in the area is going to be affected by your work**, tell him or her you are going to do so that adjustments can be made if necessary.
17. **Don't lock or block building exits.** The law requires that exits are easily accessible in the event of an emergency.
18. Respect and **keep your distance** from compressed gas cylinders and air tanks. They can cause serious injury if damaged or used improperly.
19. **Unplug power equipment** before making adjustments or when not in use. It only takes a little more time and guarantees safety.
20. **When operating power equipment on school grounds**, make sure people are kept away from the area of operation. If necessary, have a co-worker walk outside the vehicle to ensure others stay clear. If the equipment has a locking device use it and always remove the key if it is necessary to leave the equipment unattended.
21. **Don't get caught between a piece of moving equipment and a stationary object.** Be especially careful in parking lots and when crossing driveways.
22. **Wear appropriate safety equipment/clothing when necessary.** This is important for science and art teachers and students as well as for grounds, maintenance, and custodial staff.

Complies with CalOSHA Title 8, Section 3203, Injury and Illness Prevention Program General Safety Training requirements. For more information, contact the Santa Clara County Schools' Insurance Group (408) 558-0600

# **Heat Illness Prevention**

## **POLICY STATEMENT**

The purpose of the Heat Illness Prevention Plan is to meet the requirements set forth in California Code of Regulations, Title 8, and also to serve as a supplement to Sunnyvale School District's Injury and Illness Prevention Program (IIPP). This information is intended and must be used in conjunction with the IIPP. The Heat Illness Prevention Guide establishes procedures and provides information which is necessary to ensure that workers are knowledgeable in the prevention and recognition of heat stress to ensure their own safety and the safety of others.

It is the policy of the Sunnyvale School District to prevent heat illnesses among our employees. To accomplish this objective, our district has adopted the following policies and procedures:

### **PROCEDURES FOR PROVISION OF WATER**

The Administrator/Director/Principal (here after referred to as Manager or Management) will ensure that cool bottled water or water containers are located on the vehicles, so drinking water will be readily accessible.

The assigned driver of the vehicle will be responsible for restocking bottles or filling and cleaning the water containers and ensuring that they are kept in a sanitary condition with cleaning supplies are provided by the District.

Management will remind the workers to drink water frequently, when the temperature exceeds or is expected to exceed 90 degrees F. A notification system emphasizing the importance of drinking water, the amount of water necessary, necessary rest breaks, and the signs and symptoms of heat illness will be established. (See Appendix A – Heat Stress Quick Card)

During employee training, the importance of frequent drinking of water will be stressed and the requirement of mandatory drinking every two hours.

### **PROCEDURES FOR MONITORING THE WEATHER**

Prior to each workday the manager will be responsible for monitoring the weather forecast via local weather reports, [www.nws.noaa.gov](http://www.nws.noaa.gov) or with the aid of a simple thermometer. If a heat wave is expected, schedule modifications such as rescheduling

the work hours, working at night or during cooler hours of the day will be necessary. This type of advance planning should take place all year long.

### ACCESS TO SHADE

Management will identify shade available at their sites, such as trees, overhangs, walk ways, and buildings. The identified areas will be communicated to employees by site during training.

### HANDLING A HEAT WAVE

If schedule modifications are not possible and workers have to work during a heat wave, the manager will initiate the districts established notification system. The system emphasizes, for workers, the importance of drinking water, amounts to drink, necessity of rest breaks, knowing the signs and symptoms of heat illness, and monitoring the weather forecast. In addition, management will institute alternative preventive measures such as providing workers with an increase number of rest periods, if any symptoms of heat illness are encountered.

### HIGH HEAT PROCEDURES

**High Heat Procedures are additional preventive measures that the District will implement when the temperature equals or exceeds 95 degrees Fahrenheit.**

Management will ensure that effective communication by voice, observation, or electronic means is maintained so that employees at the worksite can contact a supervisor when necessary. If the manager is unable to be near the workers to observe or communicate with them, then an electronic device, such as a two-way radio, cell phone or text messaging device, may be used for this purpose, **only if reception in the area is reliable.**

### PROCEDURES FOR ACCLIMATIZATION

Acclimatization is the temporary and gradual physiological change in the body that occurs when the environmentally induced heat load to which the body is accustomed is significantly and suddenly exceeded by sudden environmental changes. In more common terms, the body needs time to adapt when temperatures rise suddenly, and an employee risks heat illness by not taking it easy when a heat wave strikes or when starting a new job that exposes the employee to heat to which the employee's body hasn't yet adjusted. Inadequate acclimatization can endanger anyone exposed to conditions of heat and physical stress significantly more intense than what they are

used to. Employers are responsible for the working conditions of their employees, and they must act effectively when conditions result in sudden exposure to heat their employees are not used to.

The manager will assign new employees a “buddy” or experienced coworker to watch each other closely for discomfort or symptoms of heat illness.

### **PROCEDURES FOR EMERGENCY RESPONSE**

When an employee is showing symptoms of possible heat illness, the manager will take immediate steps to keep the stricken employee cool and comfortable once emergency service responders have been called. This will help to reduce the progression to a more serious illness.

During a heat wave or hot temperatures, workers will be reminded and encouraged to immediately report to their supervisor any signs or symptoms they are experiencing.

Sunnyvale School District’s training for employees and supervisors will include every detail of these written emergency procedures.

### **HANDLING A SICK EMPLOYEE**

When an employee displays possible signs or symptoms of heat illness and no trained first aid worker or supervisor is available at the site, call our emergency service provider. (911)

Make the call immediately if an employee displays signs or symptoms of heat illness. Loss of consciousness, incoherent speech, convulsions, and a red and hot face are all symptoms that require action. If the employee does not look OK or does not get better after drinking cool water and resting in the shade, while the ambulance is in route, initiate first aid and cool the worker: place in the shade, remove excess layers of clothing, place ice pack in the armpit and groin areas and fan the victim. Do not let a sick worker leave the site, as they could get lost or die before reaching a hospital! Have the employee transported by ambulance and treatment started by paramedics.

## **PROCEDURES FOR EMPLOYEE AND MANAGEMENT TRAINING**

The district will ensure that all employees and supervisors are trained prior to working outside. Training will include the District's written Heat Illness prevention procedures.

Santa Clara County Schools' Insurance Group is a Joint Powers Authority (JPA) that assists with employee training and provides up to date safety information to districts may be contacted for assistance with training.

Management will train on the steps that will be followed for contacting emergency medical services, including how they are to proceed when there are non-English speaking workers, how clear and precise directions to the site will be provided as well as stress the need to make visual contact with emergency responders at the nearest road or landmark to direct them to their worksite.

The manager will assign new employees a "buddy" or experienced coworker to ensure that they understood the training and follow District procedures.

## Appendix A

# OSHA<sup>®</sup> QUICK CARD<sup>™</sup>

## Protecting Workers from Heat Stress

### Heat Illness

Exposure to heat can cause illness and death. The most serious heat illness is heat stroke. Other heat illnesses, such as heat exhaustion, heat cramps and heat rash, should also be avoided.

There are precautions your employer should take any time temperatures are high and the job involves physical work.

### Risk Factors for Heat Illness

- High temperature and humidity, direct sun exposure, no breeze or wind
- Low liquid intake; previous heat illnesses
- Heavy physical labor
- Waterproof clothing
- No recent exposure to hot workplaces

### Symptoms of Heat Exhaustion

- Headache, dizziness, or fainting
- Weakness and wet skin
- Irritability or confusion
- Thirst, nausea, or vomiting

### Symptoms of Heat Stroke

- May be confused, unable to think clearly, pass out, collapse, or have seizures (fits)
- May stop sweating

### To Prevent Heat Illness, Your Employer Should

- Provide training about the hazards leading to heat stress and how to prevent them.
- Provide a lot of cool water to workers close to the work area. At least one pint of water per hour is needed.



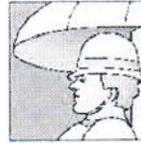
For more complete information:

**OSHA<sup>®</sup>** Occupational  
Safety and Health  
Administration  
U.S. Department of Labor  
[www.osha.gov](http://www.osha.gov) (800) 321-OSHA

OSHA 3154-06-10/1 v2

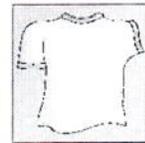
# OSHA<sup>®</sup> QUICK CARD<sup>™</sup>

- Schedule frequent rest periods with water breaks in shaded or air-conditioned areas.
- Routinely check workers who are at risk of heat stress due to protective clothing and high temperature.
- Consider protective clothing that provides cooling.



## How You Can Protect Yourself and Others

- Know signs/symptoms of heat illnesses; monitor yourself; use a buddy system.
- Block out direct sun and other heat sources.
- Drink plenty of fluids. Drink often and BEFORE you are thirsty.
- Avoid beverages containing alcohol or caffeine.
- Wear lightweight, light colored, loose-fitting clothes.
- Be aware that poor physical condition, some health problems (such as high blood pressure or diabetes), pregnancy, colds and flu, and some medications can increase your personal risk. If you are under treatment, ask your healthcare provider.



## What to Do When a Worker is Ill from the Heat

- Call a supervisor for help. If the supervisor is not available, call 911.
- Have someone stay with the worker until help arrives.
- Move the worker to a cooler/shaded area.
- Remove outer clothing.
- Fan and mist the worker with water; apply ice (ice bags or ice towels).
- Provide cool drinking water, if able to drink.

**IF THE WORKER IS NOT ALERT or seems confused, this may be a heat stroke. CALL 911 IMMEDIATELY and apply ice as soon as possible.**

**If you have any questions or concerns, call OSHA at 1-800-321-OSHA.**

For more complete information:

**OSHA<sup>®</sup>** Occupational  
Safety and Health  
Administration

U.S. Department of Labor

[www.osha.gov](http://www.osha.gov) (800) 321-OSHA

## Heat Illness Signs & Symptoms



### Heat Exhaustion

Heavy sweating,  
cramps, rapid  
pulse,  
headache,  
nausea,  
vomiting



### Heat Stroke

Dry, red, hot skin,  
fainting, high body  
temperature,  
disoriented,  
confused

NEED MEDICAL  
HELP

For more details see: [www.dir.ca.gov/dosh/etools/08-006/WhatIs.htm#typesof](http://www.dir.ca.gov/dosh/etools/08-006/WhatIs.htm#typesof)

Personnel

Family Care And Medical Leave

The Governing Board shall grant family care and medical leave to eligible employees in accordance with current state and federal law. Employees taking this leave shall be reinstated in the same or a comparable position upon returning from family care leave, except as allowed by law.

(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4112.4/4212.4/4312.4 - Health Examinations)  
(cf. 4161/4261 - Leaves)  
(cf. 4161.1/4361.1 - Personal Illness and Injury Leave)  
(cf. 4261.1 - Personal Illness and Injury Leave)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7291.2-7291.16 Sex discrimination: pregnancy and related medical conditions

7297.0-7297.11 Family care leave

UNITED STATES CODE, TITLE 29

2601, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993

CODE OF FEDERAL REGULATIONS, TITLE 29

825 Family and Medical Leave Act of 1993

Policy                   SUNNYVALE ELEMENTARY SCHOOL DISTRICT  
adopted:               November 2, 1995           Sunnyvale, California

## Personnel

### Family Care And Medical Leave

Family and Medical Care Leave is provided to employees who have worked for the district for at least 12 months and 1250 hours in the 12 month period immediately preceding the commencement of the leave. Family and Medical Care Leave may be requested for (1) birth or adoption of an employee's child; (2) placement of a foster child with the employee, or (3) the serious health condition of an employee's child, spouse, or parent. Family and Medical Care Leave may also be requested for an employee's own serious health condition. "Serious health condition" means an illness, injury (including on the job injuries), impairment or physical or mental condition of the employee or the child, parent or spouse of the employee, which involves either: 1), inpatient care (i.e. an overnight stay) in a hospital, hospice or residential health care facility or 2), continuing treatment or continuing supervision by a health care provider.

An employee may take a maximum of 12 weeks of family and medical care leave in a 12-month period. Leave taken for the birth, adoption, or foster care placement of a child must be started within one year of the event.

Leave taken for the birth, adoption, or foster care placement of a child may not be taken intermittently or on a reduced schedule without specified consent by the employee's supervisor and the Associate Superintendent of Human Resources.

Family and medical care leave for an employee's own serious health condition, or for the serious health condition of the employee's spouse, parent or child, may be taken intermittently or on a reduced schedule when medically necessary. The district retains the right to transfer the employee temporarily to an alternative position with equivalent pay and benefits which better accommodates the employee's leave schedule.

Except to the extent that other paid sick leave is substituted for family and medical care leave, this leave is unpaid.

Employees are required to substitute their accrued sick leave for their own medical care leaves and may use accrued sick time for family care leaves. Employees are required to substitute accrued vacation time for family and medical care leaves.

The district will maintain group health insurance coverage (pension and retirement plans) for an employee on family or medical care leave for up to a maximum of 12 weeks in a calendar year if such insurance was provided before the leave was taken, and on the same terms and conditions as would apply if the employee had continued working. (If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the district may recover any health coverage premiums it paid on the employee's behalf during any unpaid periods of the leave.)

Employees on family and medical care leave accrue employment benefits, such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

Employees should notify the district of their request for family and medical care leave as soon as they are aware of the need for such leave. For foreseeable events, if possible, employees must provide 30 calendar days advance written notice to the Department of Human Resources of their need for family and

medical care leave. For events that are unforeseeable, but not emergencies, the employee must notify the supervisor in writing as soon as he or she learns of the need for the leave, ordinarily no later than two to three working days, after learning of the need for the leave.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for the delay, the district reserves the right to deny the taking of the leave until at least 30 days after the date the employee provides notice of the need for family and medical care leave.

All requests for family and medical care leave should include the anticipated dates and duration of the leave. Any requests for extensions must be received at least five working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated dates and duration of the leave.

Requests for medical leave for an employee's own serious health condition or for family care leave to look after a child, spouse, or parent with a serious health condition must be supported by medical certification from a health care provider. District forms for medical certifications are available in the office of Human Resources. Employees must provide the required medical certification within 15 calendar days after the district's request for certification, unless it is not practicable under the circumstances to do so. Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided. In the case of unforeseeable leave, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave. Any request for an extension of the leave also must be supported by an updated medical certification.

The medical certification for a child, spouse, or parent with a serious health condition shall include the date on which the serious health condition began; the probable duration of the condition; the health care provider's estimate of the amount of time needed for family care; and the health care provider's assurance that the health care condition requires family care leave.

The medical certification for leave for the employee's own serious health condition shall include the date on which the serious health condition began; the probable duration of the condition; and a statement that the employee is unable to perform the function of his or her position. In addition, the district may require the employee to obtain a second opinion from a doctor of the district's own choosing at the district's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, the district may require a third opinion, also at the district's expense, performed by a mutually agreeable doctor who will make the final determination.

Before permitting the employee to return to work, the district also may require the employee to provide medical certification that he or she is able to return to work.

Employees returning from family and medical care leave are entitled to reinstatement to the same or comparable position consistent with applicable law.

An employee who is disabled on account of pregnancy, childbirth, or related conditions may take a pregnancy-related disability leave of up to four months in addition to any family and medical care leave to which the employee may be entitled.

Legal Reference:  
GOVERNMENT CODE  
12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice  
12945.2 Family care leave; definitions; conditions  
19702.3 Family care leave; exercise of rights  
CODE OF REGULATIONS, TITLE 2  
7297.0-7297.9 Family Care Leave  
UNITED STATES CODE, TITLE 29  
2601, 2611-2619, 2631-2636, 2651-2654 Family and Medical Leave Act of 1993  
CODE OF FEDERAL REGULATIONS, TITLE 29  
825 Family and Medical Leave Act of 1993

Board SUNNYVALE ELEMENTARY SCHOOL DISTRICT  
Reviewed: November 2, 1995 Sunnyvale, California

## Personnel

**Promotion/Demotion/Reassignment**

The Governing Board may promote, demote, and reclassify certificated and classified management employees when such action is determined to be in the best interest of the district.

All decisions concerning promotion, demotion and reclassification shall be based upon the recommendation of the Superintendent or designee and prior consultation with district legal counsel.

The Superintendent or designee shall maintain procedures for the promotion, demotion and reclassification of management employees (certificated and classified) which assure compliance with all applicable statutory deadlines.

*Legal Reference:**EDUCATION CODE*

*35031 Senior management employee in the classified service: nonreelection*

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

*44850.1 No tenure in administrative or supervisory positions*

*44896 Transfer of administrator or supervisor to teaching position*

*44897 Classification of administrator or supervisor to a teaching position*

*44951 Continuation in position unless notified*

*45101 Definitions (including disciplinary action, cause)*

*45113 Rules for classified service in districts not incorporating the merit system*

*52055.5 Meeting or exceeding growth requirements*

*52055.57 Districts identified or at risk of identification for program improvement*

*UNITED STATES CODE, TITLE 20*

*6316 School and district improvement*

*COURT DECISIONS*

*Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32*

*Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768*

*Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348*

*Skelly v. California Personnel Board, (1975) 15 Cal.3d 194*

*Hentschke v. Sink, (1973) 34 Cal. App. 3d 19*

Policy

Adopted: November 16, 1989

SUNNYVALE SCHOOL DISTRICT

Sunnyvale, California

## Personnel

### **Soliciting and Selling**

Employees shall not solicit students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

*(cf. 1325 - Advertising and Promotion)*

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 4137 - Tutoring)*

*(cf. 5022 - Student and Family Privacy Rights)*

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses and telephone numbers for solicitations or use in profit-making or beneficial ventures.

Educational tours may be promoted on school premises only if they are approved by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises.

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be voluntary.

*Legal Reference:*

*EDUCATION CODE*

*51520 Prohibited solicitations on school premises*

**Sunnyvale School District**  
*Human Resources*

**POSSESSION OF DUPLICTE KEYS WITHOUT AUTHORIZATION**

**PENAL CODE**  
**PC 469 00469.000**

Any person who knowingly makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, cause to be duplicated, or use, or has in his possession any key to a building or other area owned, operated, or controlled by the State of California, any state agency, board, or commission, a county, city, or any public school or community college district without authorization from the person in charge of such building or area or his designated representative and with knowledge of the lack of such authorization is guilty of a misdemeanor.

(Added by Stats. 1970, Ch. 1089, Sec. 1.)

**Policy 4119.24: Maintaining Appropriate Adult-Student Interactions**

**Status:** ADOPTED

**Original Adopted Date:** 07/01/2019

**Last Revised Date:** 5/18/23

**Last Reviewed Date:** 5/18/23

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

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

**Inappropriate Conduct**

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others

3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

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**Policy Reference Disclaimer:**

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

<b>State</b>	<b>Description</b>
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
Ed. Code 44030.5	Reporting change in employment status due to alleged misconduct
Ed. Code 44050	Employee code of conduct; interaction with students
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 48980	Parent/Guardian notifications

Pen. Code 11164-11174.3

Child Abuse and Neglect Reporting Act

**Management Resources**

Website

**Description**

[CSBA District and County Office of Education Legal Services](#)

**Cross References**

**Code**

4218

**Description**

[Dismissal/Suspension/Disciplinary Action](#)

4218

[Dismissal/Suspension/Disciplinary Action](#)

4218.1

[Dismissal/Suspension/Disciplinary Action \(Merit System\)](#)