

# Annual Notice Requirement 2023–24

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El Dorado Union High School District

*Please familiarize yourself with the District policies, regulations and information provided in this packet.*

- Professional Standards
- Employee Use of Technology
- Nondiscrimination in Employment
- Transgender Rights in the Workplace
- California Law Prohibits Workplace Discrimination and Harassment
- Sexual Harassment
- Rights of Victims of Domestic Violence, Sexual Assault and Stalking
- FMLA Notice
- Parental Leave – Classified/Certificated
- Child Abuse Prevention and Reporting
- Drug and Alcohol-Free Workplace
- Tobacco-Free Schools
- Environmental Safety
- Hazardous Substances
- Teacher Notification – Access to Student Discipline Records
- Uniform Complaint Procedures
- Universal Precautions
- Exposure Control Plan for Bloodborne Pathogens
- Bloodborne Pathogen Staff Information
- HIV/Hepatitis B
- Administering Medication and Monitoring Health Conditions
- Work-Related Illness/Injury
- Pesticide Active Ingredients and Expected Pesticide Use

If you have any questions regarding the information within this packet, contact:

Human Resources  
**EL DORADO UNION HIGH SCHOOL DISTRICT**  
4675 Missouri Flat Road, Placerville CA 95667  
Phone: (530) 622-5081, ext. 7228

**EL DORADO UNION HIGH SCHOOL DISTRICT  
EXHIBIT**

**All Personnel**

**PROFESSIONAL STANDARDS  
E 4119.21**

**CODE OF ETHICS OF THE EDUCATION PROFESSION**

Note: The following exhibit reproduces the Code of Ethics of the Education Profession adopted by the National Education Association in 1975 and used by the California Teachers Association and found in the CTA Handbook.

**PREAMBLE**

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

**PRINCIPLE I. COMMITMENT TO THE STUDENT**

The educator strives to help each student realize his/her potential as a worthy and effective members of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonable restrain the student from independent action in the pursuit of learning
2. Shall not unreasonable deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:

- a. Exclude any student from participation in any program
  - b. Deny benefits to any students
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

**PRINCIPLE II. COMMITMENT TO THE PROFESSION**

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

- 1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
- 2. Shall not misrepresent his/her professional qualifications
- 3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
- 4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
- 5. Shall not assist a noneducator in the unauthorized practice of teaching
- 6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
- 7. Shall not knowingly make false or malicious statements about a colleague
- 8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**PROFESSIONAL STANDARDS  
BP 4119.21 / 4219.21 / 4319.21**

The Governing Board expects District employees to maintain the highest ethical standards, behave professionally, follow District policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee shall engage in conduct that enhances the integrity of the District, advances the goals of the District's educational programs, and contributes to a positive school climate.

*(cf. 0200 - Goals for the School District)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 5131 - Conduct)*  
*(cf. 5137 - Positive School Climate)*

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of District students.

*(cf. 4112.2 - Certification)*  
*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

**INAPPROPRIATE CONDUCT**

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.7 - Firearms on School Grounds)*  
*(cf. 4158/4258/4358 - Employee Security)*

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.

5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
7. Willfully disrupting District or school operations by loud or unreasonable noise or other action.

*(cf. 3515.2 - Disruptions)*

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on District property.

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 3513.4 - Drug and Alcohol Free Schools)*

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

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

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

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records.
10. Divulging confidential information about students, District employees, or District operations to persons or entities not authorized to receive the information.

*(cf. 3580 - District Records)*

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

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

11. Using District equipment or other District resources for the employee's own commercial purposes or for political activities.

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

12. Using District equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity.

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of District technological resources at any time without the employee's consent.

*(cf. 4040 - Employee Use of Technology)*

13. Causing damage to or engaging in theft of property belonging to students, staff, or the District.
14. Wearing inappropriate attire.

*(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)*

## **REPORTS OF MISCONDUCT**

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the District's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

*(cf. 4117.7/4317.7 - Employment Status Reports)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The District prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

## **NOTIFICATIONS**

The section(s) of 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 websites. *(Education Code 44050)*

*(cf. 1113 - District and School Web Sites)*  
*(cf. 5145.6 - Parental Notifications)*

**Legal Reference:**

*EDUCATION CODE*

- 200-262.4 Prohibition of discrimination on the basis of sex*
- 44050 Employee code of conduct; interaction with students*
- 44242.5 Reports and review of alleged misconduct*
- 48980 Parental notifications*

*PENAL CODE*

- 11164-11174.4 Child Abuse and Neglect Reporting Act*

*CODE OF REGULATIONS, TITLE 5*

- 80303 Reports of dismissal, resignation and other terminations for alleged misconduct*
- 80331-80338 Rules of conduct for professional educators*

**Management Resources:**

*COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS*

- California Professional Standards for Educational Leaders, February 2014*
- California Standards for the Teaching Profession, 2009*

*COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS*

- Professional Standards for Educational Leaders, 2015*

*NATIONAL EDUCATION ASSOCIATION PUBLICATIONS*

- Code of Ethics of the Education Profession, 1975*

*WESTED PUBLICATIONS*

- Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003*

*WEBSITES*

- CSBA: <http://www.csba.org>*
- Association of California School Administrators: <http://www.acsa.org>*
- California Department of Education: <http://www.cde.ca.gov>*
- California Federation of Teachers: <http://www.cft.org>*
- California School Employees Association: <http://www.csea.com>*
- California Teachers Association: <http://www.cta.org>*
- Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*
- Council of Chief State School Officers: <http://ccsso.org>*
- WestEd: <http://www.wested.org>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**EMPLOYEE USE OF TECHNOLOGY  
BP 4040**

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

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

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

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

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

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



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

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

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

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

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct district business may be subject to disclosure, pursuant to a subpoena or other lawful request. Employees shall report any security problem or misuse of district technology to the Superintendent or designee.

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

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

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

***Legal Reference:***

*EDUCATION CODE*

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

*GOVERNMENT CODE*

*3543.1 Rights of employee organizations*

*PENAL CODE*

*502 Computer crimes, remedies*

*632 Eavesdropping on or recording confidential communications*

*VEHICLE CODE*

*23123 Wireless telephones in vehicles*

*23123.5 Mobile communication devices; text messaging while driving*

*23125 Wireless telephones in school buses*

*UNITED STATES CODE, TITLE 20*

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

*6777 Internet Safety*

*UNITED STATES CODE TITLE 47*

*254 Universal service discounts (E-rate)*

*CODE OF FEDERAL REGULATIONS, TITLE 47*

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

*COURT DECISIONS*

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

***Management Resources:***

*WEB SITES*

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

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

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

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

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

**EL DORADO UNION HIGH SCHOOL DISTRICT  
EXHIBIT**

**All Personnel**

**EMPLOYEE USE OF TECHNOLOGY  
E 4040**

**ACCEPTABLE USE AGREEMENT  
AND RELEASE OF DISTRICT FROM LIABILITY (EMPLOYEES)**

The El Dorado Union High 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. Connecting personal devices to any wireless network other than “Staff” or “Public”
9. Connecting any personal devices to a wired network connection
10. 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 this Acceptable Use Agreement may result in revocation of an employee's access to district technology and/or discipline, up to and including termination. In addition, violations of the law, Board policy, or this agreement may be reported to law enforcement agencies as appropriate.

**EMPLOYEE ACKNOWLEDGMENT**

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology or when my personal electronic devices use district technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release the district and its personnel from any and all claims and damages arising from my use of district technology or from the failure of any technology protection measures employed by the district.

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
(Please print)

School/Work Site: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**NONDISCRIMINATION IN EMPLOYMENT  
BP 4030**

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

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

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

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

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

## **NONDISCRIMINATION IN EMPLOYMENT (continued)**

- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the District's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Requiring medical or psychological examination of a job applicant, or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity.
- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee, who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee.

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

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the District or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (*Government Code 12964.5*)

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

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

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

## **NONDISCRIMINATION IN EMPLOYMENT (continued)**

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

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



**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**All Personnel**

**NONDISCRIMINATION IN EMPLOYMENT  
AR 4030**

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or person contracted to provide services to the District shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4032 - Reasonable Accommodation)*

The District designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage 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:

Assistant Superintendent of Human Resources

4675 Missouri Flat Road, Placerville, CA 95667

(530) 622-5081, ext. 7214

tdeville@eduhd.k12.ca.us

**MEASURES TO PREVENT DISCRIMINATION**

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

1. Display in a prominent and accessible location at every work site where the District has employees and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth. *(Government Code 12950; 2 CCR 11013, 11023, 11049)*

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

*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*

2. 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. Including them in each announcement, bulletin, or application form that is used in employee recruitment.
- b. Posting them in all District schools and offices, including staff lounges and other prominent locations.
- c. Posting them on the District's website 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)*

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

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

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

4. Provide to employees an annual notification which contains information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior.
5. Provide training 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.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. 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

**COMPLAINT PROCEDURE**

Complaints of sexual harassment shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other 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 a direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint where the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

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, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within 5 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. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed 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, the investigation shall begin 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 the 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 shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. 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 the 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 shall also 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 Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a District employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 9321 - Closed Session)*

## **OTHER REMEDIES**

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

1. For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within 3 years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960. (*Government Code 12960*)
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s). (*42 USC 2000e-5*)
3. For filing a 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*)



# THE RIGHTS OF EMPLOYEES WHO ARE TRANSGENDER OR GENDER NONCONFORMING



Civil Rights  
Department  
STATE OF CALIFORNIA

**CALIFORNIA LAW PROTECTS TRANSGENDER AND GENDER NONCONFORMING PEOPLE FROM DISCRIMINATION, HARASSMENT, AND RETALIATION AT WORK. THESE PROTECTIONS ARE ENFORCED BY THE CIVIL RIGHTS DEPARTMENT (CRD).**

## THINGS YOU NEED TO KNOW

### 1. Does California law protect transgender and gender nonconforming employees from employment discrimination?

Yes. All employees, job applicants, unpaid interns, volunteers, and contractors are protected from discrimination at work when based on a protected characteristic, such as their gender identity, gender expression, sexual orientation, race, or national origin. This means that private employers with five or more employees may not, for example, refuse to hire or promote someone because they identify as – or are perceived to identify as – transgender or non-binary, or because they express their gender in non-stereotypical ways.

Employment discrimination can occur at any time during the hiring or employment process. In addition to refusing to hire or promote someone, unlawful discrimination includes discharging an employee, subjecting them to worse working conditions, or unfairly modifying the terms of their employment because of their gender identity or gender expression.

### 2. Does California law protect transgender and gender nonconforming employees from harassment at work?

Yes. All employers are prohibited from harassing any employee, intern, volunteer, or contractor because of their gender identity or gender expression. For example, an employer can be liable if co-workers create a hostile work environment – whether in person or virtual – for an employee who is undergoing a gender transition. Similarly, an employer can be liable when customers or other third parties harass an employee because of their gender identity or expression, such as intentionally referring to a gender-nonconforming employee by the wrong pronouns or name.

### 3. Does California law protect employees who complain about discrimination or harassment in the workplace?

Yes. Employers are prohibited from retaliating against any employee who asserts their right under the law to be free from discrimination or harassment. For example, an employer commits unlawful retaliation when it responds to an employee making a discrimination complaint – to their supervisor, human resources staff, or CRD – by cutting their shifts.

### 4. If bathrooms, showers, and locker rooms are sex-segregated, can employees choose the one that is most appropriate for them?

Yes. All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. In addition, where possible, an employer should provide an easily accessible, gender-neutral (or "all-gender"), single user facility for use by any employee. The use of single stall restrooms

and other facilities should always be a matter of choice. Employees should never be forced to use one, as a matter of policy or due to harassment.

### 5. Does an employee have the right to be addressed by the name and pronouns that correspond to their gender identity or gender expression, even if different from their legal name and gender?

Yes. Employees have the right to use and be addressed by the name and pronouns that correspond with their gender identity or gender expression. These are sometimes known as "chosen" or "preferred" names and pronouns. For example, an employee does not need to have legally changed their name or birth certificate, nor have undergone any type of gender transition (such as surgery), to use a name and/or pronouns that correspond with their gender identity or gender expression. An employer may be legally obligated to use an employee's legal name in specific employment records, but when no legal obligation compels the use of a legal name, employers and co-workers must respect an employee's chosen name and pronouns. For example, some businesses utilize software for payroll and other administrative purposes, such as creating work schedules or generating virtual profiles. While it may be appropriate for the business to use a transgender employee's legal name for payroll purposes when legally required, refusing or failing to use that person's chosen name and pronouns, if different from their legal name, on a shift schedule, nametag, instant messaging account, or work ID card could be harassing or discriminatory. CRD recommends that employers take care to ensure that each employee's chosen name and pronouns are respected to the greatest extent allowed by law.

### 6. Does an employee have the right to dress in a way that corresponds with their gender identity and gender expression?

Yes. An employer who imposes a dress code must enforce it in a non-discriminatory manner. This means that each employee must be allowed to dress in accordance with their gender identity and expression. While an employer may establish a dress code or grooming policy in accord with business necessity, all employees must be held to the same standard, regardless of their gender identity or expression.

### 7. Can an employer ask an applicant about their sex assigned at birth or gender identity in an interview?

No. Employers may ask non-discriminatory questions, such as inquiring about an applicant's employment history or asking for professional references. But an interviewer should not ask questions designed to detect a person's gender identity or gender transition history such as asking about why the person changed their name. Employers should also not ask questions about a person's body or whether they plan to have surgery.

Want to learn more?

Visit: <https://bit.ly/3hTG1EO>

## TO FILE A COMPLAINT

### Civil Rights Department

[calcivilrights.ca.gov/complaintprocess](http://calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684 / TTY: 800.700.2320

California Relay Service (711)

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.





Civil Rights  
Department  
STATE OF CALIFORNIA

# CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT

The California Civil Rights Department (CRD) enforces laws that protect you from illegal discrimination and harassment in employment based on your actual or perceived:

- ANCESTRY
- AGE (40 and above)
- COLOR
- DISABILITY (physical, developmental, mental health/psychiatric, HIV and AIDS)
- GENETIC INFORMATION
- GENDER EXPRESSION
- GENDER IDENTITY
- MARITAL STATUS
- MEDICAL CONDITION (genetic characteristics, cancer, or a record or history of cancer)
- MILITARY OR VETERAN STATUS
- NATIONAL ORIGIN (includes language restrictions and possession of a driver's license issued to undocumented immigrants)
- RACE (includes hair texture and hairstyles)
- RELIGION (includes religious dress and grooming practices)
- REPRODUCTIVE HEALTH DECISIONMAKING
- SEX/GENDER (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- SEXUAL ORIENTATION





# CALIFORNIA LAW PROHIBITS WORKPLACE DISCRIMINATION & HARASSMENT

## THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT AND ITS IMPLEMENTING REGULATIONS PROTECT CIVIL RIGHTS AT WORK.

### HARASSMENT

1. The law prohibits harassment of employees, applicants, unpaid interns, volunteers, and independent contractors by any person. This includes a prohibition against harassment based on any characteristic listed above, such as sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, breastfeeding, and/or related medical conditions.
2. All employers are required to take reasonable steps to prevent all forms of harassment, as well as provide information to each of their employees on the nature, illegality, and legal remedies that apply to sexual harassment.
3. Employers with 5 or more employees and public employers must train their employees regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation.

### DISCRIMINATION/REASONABLE ACCOMMODATIONS

1. California law prohibits employers with 5 or more employees and public employers from discriminating based on any protected characteristic listed above when making decisions about hiring, promotion, pay, benefits, terms of employment, layoffs, and other aspects of employment.
2. Employers cannot limit or prohibit the use of any language in any workplace unless justified by business necessity. The employer must notify employees of the language restriction and consequences for violation.
3. Employers cannot discriminate against an applicant or employee because they possess a California driver's license or ID issued to an undocumented person.
4. Employers must reasonably accommodate the religious beliefs and practices of an employee, unpaid intern, or job applicant, including the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of their religious beliefs.
5. Employers must reasonably accommodate an employee or job applicant with a disability to enable them to perform the essential functions of a job.

### ADDITIONAL PROTECTIONS

1. The law provides specific protections and hiring procedures for people with criminal histories who are looking for employment.
2. Employers with 5 or more employees and public employers must provide up to 12 weeks of job-protected leave to eligible employees: to care for themselves, a family member (child of any age, spouse, domestic partner, parent, parent-in-law, grandparent, grandchild, sibling) or a designated person (with a blood or family-like relationship to employee); to bond with a new child; or for certain military exigencies.

3. Employers must provide job-protected leave of up to 4 months to employees disabled because of pregnancy, childbirth, or a related medical condition, as well as require employers to reasonably accommodate an employee, on the advice of their health care provider, related to their pregnancy, childbirth, or a related medical condition.
4. Employers, employment agencies, and unions must preserve applications, personnel records, and employment referral records for a minimum of four years.
5. Employment agencies must serve all applicants equally, refuse discriminatory job orders, and prohibit employers and employment agencies from making discriminatory pre-hiring inquiries or publishing help-wanted advertisements that express a discriminatory hiring preference.
6. Unions cannot discriminate in member admissions or dispatching members to jobs.
7. The law prohibits retaliation against a person who opposes, reports, or assists another person to oppose unlawful discrimination, including filing an internal complaint or a complaint with CRD.

### REMEDIES/FILING A COMPLAINT

1. The law provides remedies for individuals who experience prohibited discrimination, harassment, or retaliation in the workplace. These remedies can include hiring, front pay, back pay, promotion, reinstatement, cease-and-desist orders, expert witness fees, reasonable attorney's fees and costs, punitive damages, and emotional distress damages.
2. If you believe you have experienced discrimination, harassment, or retaliation, you may file a complaint with CRD. Independent contractors and volunteers: If you believe you have been harassed, you may file a complaint with CRD.
3. Complaints must be filed within three years of the last act of discrimination/harassment/retaliation. For those who are under the age of eighteen, complaints must be filed within three years after the last act of discrimination/harassment/retaliation or one year after their eighteenth birthday, whichever is later.

**If you have been subjected to discrimination, harassment, or retaliation at work, file a complaint with the Civil Rights Department (CRD).**

### TO FILE A COMPLAINT

Civil Rights Department  
[calcivilrights.ca.gov/complaintprocess](http://calcivilrights.ca.gov/complaintprocess)  
Toll Free: 800.884.1684 / TTY: 800.700.2320  
California Relay Service (711)

Have a disability that requires a reasonable accommodation?  
CRD can assist you with your complaint.

The Fair Employment and Housing Act is codified at Government Code sections 12900 - 12999. The regulations implementing the Act are at Code of Regulations, title 2, division 4.1

Government Code section 12950 and California Code of Regulations, title 2, section 11023, require all employers to post this document. It must be conspicuously posted in hiring offices, on employee bulletin boards, in employment agency waiting rooms, union halls, and other places employees gather. Any employer whose workforce at any facility or establishment consists of more than 10% of non-English speaking persons must also post this notice in the appropriate language or languages.



**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**SEXUAL HARASSMENT  
BP 4119.11 / 4219.11 / 4319.11**

The following policy shall apply to all District employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the District.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against District employees and retaliatory behavior or action against any persons who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

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

*(cf. 4030 - Nondiscrimination in Employment)*

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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 employees and others to whom the policy may apply.
3. Ensuring prompt, thorough fair and equitable 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.

**SEXUAL HARASSMENT REPORTS AND COMPLAINTS**

District employees who feel that they have been sexually harassed in the performance of their District responsibilities or who have knowledge of any incident of sexual harassment by or against another employee, shall immediately report the incident to their direct supervisor, a District administrator, or the District's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR

4030 - Nondiscrimination in Employment as applicable. Because a complaint or allegation that is dismissed or denied under Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)*

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any District employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Reports)*

*(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 Sexual harassment; distribution of information*

*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*

*UNITED STATES CODE, TITLE 20*

*1681-1688 Title IX of the Education Amendments of 1972*

*UNITED STATES CODE, TITLE 42*

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

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities*

*106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities*

*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:***

*U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS*  
*Promising Practices for Preventing Harassment, November 2017*

***WEBSITES***

*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 of Civil Rights:*  
*<http://www.ed.gov/about/offices/list/ocr/index.html>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**All Personnel**

**SEXUAL HARASSMENT  
AR 4119.11, 4219.11, 4319.11**

The following 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**

*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, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex, in the work or educational setting under any of the following conditions: (*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. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. 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.

(*cf. 4030 - Nondiscrimination in Employment*)

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, *sexual harassment* is defined as any of the following forms of conduct that occurs in an education program or activity in which a District school exercises substantial control over the context and respondent: (*34 CFR 106.30, 106.44*)

1. A District employee conditioning the provision of a District aid, benefit, or service on the student's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)*

## EXAMPLES OF SEXUAL HARASSMENT

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, 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, gestures; sexually explicit e-mails; 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.

## TITLE IX COORDINATOR/COMPLIANCE OFFICER

The District designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Assistant Superintendent of Human Resources

4675 Missouri Flat Road, Placerville, CA 95667

(530) 622-5081, ext. 7214

tdeville@eduhd.k12.ca.us

## TRAINING

Every 2 years, the Superintendent or designee shall ensure that supervisory employees receive at least 2 hours, and nonsupervisory employees receive at least 1 hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within 6 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*)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (*Government Code 12950.1*)

The District's sexual harassment training and education program shall include, but is not limited to, the following: (*Government Code 12950.1; 2 CCR 11024*)

1. Information and practical guidance regarding the federal and state laws concerning the prohibition, prevention, and correction of sexual harassment.
2. The types of conduct that constitute sexual harassment.
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability.
4. Strategies to prevent harassment in the workplace.
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware.
6. 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.
7. The limited confidentiality of the complaint process.
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment.
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the District's obligation to conduct an effective workplace investigation of a harassment complaint.
10. What to do if the supervisor is personally accused of harassment.
11. The essential elements of the District's anti-harassment policy, and how to use the policy if a

harassment complaint is filed.

Employees shall receive a copy of the District's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation.
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and other in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious.

The Superintendent or designee shall retain for at least 2 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

The Superintendent or designee shall notify employees that the District does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. *(34 CFR 106.8)*

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

The District shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the District's Title IX Coordinator. *(34 CFR 106.8)*

A copy of the Board policy and 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. *(Education Code 231.5)*
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. *(Education Code 231.5)*
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. *(Education Code 231.5)*
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the District's website. *(34 CFR 106.8)*



5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations. *(34 CFR 106.8)*

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the District that contains, 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 Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and 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 EEOC.

In addition, the District shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. *(Government Code 12950)*

## **COMPLAINT PROCEDURES**

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and District procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.



# SEXUAL HARASSMENT

## FACT SHEET



Civil Rights  
Department  
STATE OF CALIFORNIA

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 interferes with your work performance or creates 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. A single act of harassment may be sufficiently severe to be unlawful.

## 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 CRD within three years of the last act of harassment or retaliation.

CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD 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. CRD 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 CRD and a Right-to-Sue Notice has been issued.

## 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.

# SEXUAL HARASSMENT

## FACT SHEET



Civil Rights  
Department  
STATE OF CALIFORNIA

### CIVIL REMEDIES

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

### ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT 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 CRD 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 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

### TO FILE A COMPLAINT

#### Civil Rights Department

[calcivilrights.ca.gov/complaintprocess](http://calcivilrights.ca.gov/complaintprocess)

Toll Free: 800.884.1684

TTY: 800.700.2320



**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS  
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,  
SEXUAL ASSAULT, STALKING, CRIMES THAT  
CAUSE PHYSICAL INJURY OR MENTAL  
INJURY, AND CRIMES INVOLVING A THREAT  
OF PHYSICAL INJURY; AND OF PERSONS  
WHOSE IMMEDIATE FAMILY MEMBER IS  
DECEASED AS A DIRECT RESULT OF A CRIME**

***Your Right to Take Time Off:***

- You have the right to take time off from work to obtain relief from a court, including obtaining a restraining order, to protect you and your children's health, safety or welfare.
- If your company has 25 or more workers, you can take time off from work to get medical attention for injuries caused by crime or abuse, receive services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse, receive psychological counseling or mental health services related to an experience of crime or abuse, or participate in safety planning and take other actions to increase safety from future crime or abuse.
- You may use accrued paid sick leave or vacation, personal leave, or compensatory time off that is otherwise available for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer beforehand, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, a court order, a document from a licensed medical professional, a victim advocate, a licensed health care provider, or counselor showing that you were undergoing treatment for domestic violence related trauma, or a written statement signed by you, or an individual acting on your behalf, certifying that the absence is for an authorized purpose.

***Your Right to Reasonable Accommodation:***

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

## ***Your Right to Be Free from Retaliation and Discrimination:***

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, stalking, a crime that caused physical injury or mental injury, or a crime involving threat of physical injury; or are someone whose immediate family member is deceased as a direct result of a crime.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

***You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.***

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: [www.dir.ca.gov/dlse/DistrictOffices.htm](http://www.dir.ca.gov/dlse/DistrictOffices.htm). If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

**Labor Commissioner's Office Victims of Domestic Violence, Sexual Assault and Stalking Notice**

**3/2021**

# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

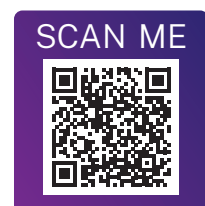
## Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR



## California Education Code Section 45196.1

### Parental Leave - Classified

**45196.1.** (a) (1) Notwithstanding any other law, during each school year, a classified employee may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks.

(2) In school districts that use the differential pay system described in the first paragraph of Section 45196, when a employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the amount deducted from the salary due him or her for any of the remaining portion of the 12-workweek period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence.

(3) In school districts that use the differential pay system described in the last paragraph of Section 45196, when an employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the employee shall be compensated at no less than 50 percent of the employee's regular salary for the remaining portion of the 12-workweek period of parental leave.

(b) For purposes of subdivision (a), all of the following apply:

(1) The 12-workweek period of parental leave shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of parental leave.

(2) An employee shall not be provided more than one 12-workweek period for parental leave during any 12-month period.

(3) Parental leave taken pursuant to this section shall run concurrently with parental leave taken pursuant to Section 12945.2 of the Government Code. The aggregate amount of parental leave taken pursuant to this section and Section 12945.2 of the Government Code shall not exceed 12 workweeks in a 12-month period.

(c) This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing school district.

(d) Notwithstanding subdivision (a) of Section 12945.2 of the Government Code, a classified employee is not required to have 1,250 hours of service with the employer during the previous 12-month period in order to take parental leave pursuant to this section.

(e) Nothing in this section shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code that provides greater parental leave rights to employees than the rights established under this section.

(f) For purposes of this section, "parental leave" means leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

## California Education Code Section 44977.5

### Parental Leave - Certificated

**44977.5** (a) (1) Notwithstanding any other law, during each school year, a person employed in a position requiring certification qualifications may use his or her sick leave for purposes of parental leave for a period of up to 12 workweeks.

(2) In school districts that use the differential pay system described in Section 44977, when a person employed in a position requiring certification qualifications has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the amount deducted from the salary due him or her for any of the remaining portion of the 12-workweek period in which the absence occurs shall not exceed the sum that is actually paid a substitute employee employed to fill his or her position during his or her absence or, if no substitute employee was employed, the amount that would have been paid to a substitute had he or she been employed. The school district shall make every reasonable effort to secure the services of a substitute employee.

(3) In school districts that use the differential pay system described in Section 44983, when a person employed in a position requiring certification qualifications has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his or her duties on account of parental leave pursuant to Section 12945.2 of the Government Code, the person shall be compensated at no less than 50 percent of his or her regular salary for the remaining portion of the 12-workweek period of parental leave.

(b) For purposes of subdivision (a), all of the following apply:

(1) The 12-workweek period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of parental leave.

(2) A person employed in a position requiring certification qualifications shall not be provided more than one 12-week period for parental leave during any 12-month period.

(3) Parental leave taken pursuant to this section shall run concurrently with parental leave taken pursuant to Section 12945.2 of the Government Code. The aggregate amount of parental leave taken pursuant to this section and Section 12945.2 of the Government Code shall not exceed 12 workweeks in a 12-month period.

(c) This section shall be applicable whether or not the absence from duty is by reason of a leave of absence granted by the governing board of the employing school district.

(d) Notwithstanding subdivision (a) of Section 12945.2 of the Government Code, a person employed in a position requiring certification qualifications is not required to have 1,250 hours of service with the employer during the previous 12-month period in order to take parental leave pursuant to this section.

(e) Nothing in this section shall be construed to diminish the obligation of a public school employer to comply with any collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code that provides greater parental leave rights to employees than the rights established under this section.

(f) For purposes of this section, "parental leave" means leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee.

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Students**

**CHILD ABUSE PREVENTION AND REPORTING  
BP 5141.4**

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. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5141.5 - Mental Health)*

*(cf. 5141.6 - School Health Services)*

*(cf. 6164.2 - Guidance/Counseling Services)*

**CHILD ABUSE PREVENTION**

The District's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches 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 may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. *(Education Code 33133.5)*

In addition, student identification cards for students in grades 9-12 shall include the National Domestic Violence Hotline telephone number. *(Education Code 215.5)*

*(cf. 5142 - Safety)*

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)*  
*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

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 as required by law and as specified in the accompanying administrative regulation. *(Education Code 44691; Penal Code 11165.7).*

**Legal Reference:****EDUCATION CODE**

*215.5 Student identification cards with National Domestic Violence Hotline telephone number*  
*32280-32288 Comprehensive school safety plan*  
*33133.5 Posters of telephone number for students to report child abuse or neglect*  
*33195 Heritage schools, mandated reporters*  
*33308.1 Guidelines on procedure for filing child abuse complaints*  
*44252 Teacher credentialing*  
*44691 Staff development in the detection of child abuse and neglect*  
*44807 Duty concerning conduct of students*  
*48906 Notification when pupil 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*

**CODE OF CIVIL PROCEDURE**

*340.1 Damages suffered as a result of childhood sexual abuse*

**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*  
*286 Crime of sodomy*  
*287 Crime of oral copulation*  
*288 Definition of lewd or lascivious act requiring reporting*  
*289 Crime of sexual penetration*

*11164-11174.3 Child Abuse and Neglect Reporting Act*  
*WELFARE AND INSTITUTIONS CODE*  
*15630-15637 Dependent adult abuse reporting*  
*CODE OF REGULATIONS, TITLE 5*  
*3200-3205 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:**

*CSBA PUBLICATIONS*

*Why Schools Hold the Promise for Adolescent Mental Health, Governance Brief, May 2019*

*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*

*WEBSITES*

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

*[https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf)*

*California Department of Education, Child Abuse Prevention Training and Resources:*

*<http://www.cde.ca.gov/ls/ss/ap>*

*California Department of Social Services, Information Resources Guide:*

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

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

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

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Students**

**CHILD ABUSE PREVENTION AND REPORTING  
AR 5141.4**

**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 defined in Penal Code 11165.4.

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

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)*

**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 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 an employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain weapons or other dangerous objects within the control of the student. *(Education Code 49001)*

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

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

(cf. 6142.7 - Physical Education and Activity)

(cf. 6145.2 - Athletic Competition)

6. Homelessness or classification as an unaccompanied minor. (*Penal Code 11165.15*)

**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, athletic coaches, administrators and directors; administrators and employees of a licensed day care facility; Head Start program teachers, district police or security officers; licensed nurses or health care providers; and administrators, presenters, or 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 the person's training and experience, to suspect child abuse or neglect. However, *reasonable suspicion* does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (*Penal Code 11166*)

## REPORTABLE OFFENSES

A mandated reporter shall make a report using the procedures provided below whenever, acting in a professional capacity or within the scope of employment, the mandated reporter 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 substantial risk of suffering serious emotional damage based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others, may make a report to the appropriate agency. (*Penal Code 11166.05, 11167*)

Any District employee who reasonably believes to have 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 against a victim who is a child under age 14 shall notify a peace officer. (*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 the person 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)*

*(cf. 1240 - Volunteer Assistance)*

## 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 a 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 11165.9, 11166)*

#### **EL DORADO COUNTY SHERIFF'S DEPARTMENT**

300 Fair Lane, Placerville, CA 95667

Business Calls: (530) 621-5655

Emergency Calls: (530) 626-4911 or 911 • Non-Emergency Calls: (Central Dispatch) (530) 621-6600

#### **PLACERVILLE POLICE DEPARTMENT (EL DORADO HIGH SCHOOL)**

730 Main St., Placerville, CA 95667

Business Calls: (530) 642-5210

Emergency Calls: 911 or 642-5280

Non-Emergency Calls (530) 642-5298 • (642-5280 after 5 p.m.)

Cellular Calls (530) 642-5280

#### **EL DORADO COUNTY DEPARTMENT OF HUMAN SERVICES**

##### **CHILDREN'S PROTECTIVE SERVICES**

3057 Briw Road, Placerville, CA 95667

Child Abuse Hotline: (844) 756-3699

CPS Non-Emergency: (530) 642-7100

When the 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 prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed Department of Justice (DOJ) form (BCIA 8572). (*Penal Code 11166, 11168*)

The Department of Justice form may be obtained from the District office or other appropriate agencies, such as the police department, sheriff's department or county probation or welfare department.

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

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

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

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made of serious emotional damage pursuant to Penal Code 11166.05. (*Penal Code 11167*)

## 3. **Internal Reporting**

The mandated reporter shall not be required to disclose the mandated reporter's identity to a supervisor, the principal, or the Superintendent or designee. (*Penal Code 11166*)

However, employees reporting child abuse or neglect to the appropriate agency are encouraged, but are not required, to notify the principal as soon as possible after the initial telephone report to an 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.

Reporting the information to an employer, supervisor, school 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

Within the first 6 weeks of each school year, or within the first six weeks of employment if hired during the school year, the Superintendent or designee shall provide training on mandated reporting requirements to District employees and persons working on their behalf who are mandated reporters. *(Education Code 44691; Penal Code 11165.7)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall use the online training module provided by the California Department of Social Services (CDSS). *(Education Code 44691)*

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. *(Education Code 44691; Penal Code 11165.7)*

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. *(Education Code 44691)*

In addition, at least once every three years, school personnel may receive training in the prevention of child abuse, including sexual abuse, on school grounds, by school personnel, or in school-sponsored programs. *(Education Code 44691)*

## VICTIM INTERVIEWS BY SOCIAL SERVICES

Whenever the Department of Social Services or another government agency is investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student. *(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 the person of the following requirements prior to the interview: *(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 the child 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. (*Education Code 48906*)

(*cf. 5145.11 - Questioning and Apprehension by Law Enforcement*)

### PARENT/GUARDIAN COMPLAINTS

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those guidelines and/or 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 is also 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*)

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

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 3200-3205.



**NOTIFICATIONS**

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

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

Before beginning employment, any person who will be a mandated reporter by virtue of the person's position shall sign the statement indicating knowledge of the reporting obligations under Penal Code 11166 and compliance with such provisions. The signed statement shall be retained by the Superintendent or designee. *(Penal Code 11166.5)*

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 knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person 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 timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter 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 unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. *(Penal Code 11166)*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**DRUG AND ALCOHOL-FREE WORKPLACE  
BP 4020**

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

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

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance while on duty in the workplace. *(Government Code 8355; 41 USC 701)*

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, **on duty** means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. **Under the influence** means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

*(cf. 4032 - Reasonable Accommodation)*

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. *(Government Code 8355; 41 USC 701)*

An employee shall abide by the terms of this policy and notify the district, within 5 days, of his/her conviction for violation in the workplace of any criminal drug statute. *(Government Code 8355; 41 USC 701)*

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. *(41 USC 701)*

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement agency, or other appropriate agency.

*(cf. 4117.4 - Dismissal)*

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

*(cf. 4212 - Appointment and Conditions of Employment)*

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

**DRUG-FREE AWARENESS PROGRAM**

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (*Government Code 8355; 41 USC 701*)

1. The dangers of drug abuse in the workplace
2. The district policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

(*cf. 4159 / 4259 / 4359 - Employee Assistance Programs*)

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

**Legal Reference:***EDUCATION CODE*

*44011 Controlled substance offense*

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

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

*44940 Compulsory leave of absence for certificated persons*

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

*45123 Employment after conviction of controlled substance offense*

*45304 Compulsory leave of absence for classified persons*

*GOVERNMENT CODE*

*8350-8357 Drug-free workplace*

*UNITED STATES CODE, TITLE 20*

*7111-7117 Safe and Drug-Free Schools and Communities Act*

*UNITED STATES CODE, TITLE 21*

*812 Schedule of controlled substances*

*UNITED STATES CODE, TITLE 41*

*701-707 Drug-Free Workplace Act*

*CODE OF FEDERAL REGULATIONS, TITLE 21*

*1308.01-1308.49 Schedule of controlled substances*

*COURT DECISIONS*

*Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381*

*Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920*

**Management Resources:***WEB SITES*

*California Department of Alcohol and Drug Programs: <http://ww.adp.ca.gov>*

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

*U.S. Department of Labor: <http://www.dol.gov>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Business and Noninstructional  
Operations**

**TOBACCO-FREE SCHOOLS  
BP 3513.3**

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 smoking and/or 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, 104559)*

These prohibitions apply 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)*

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. *(Business and Professions Code 22950.5; Education Code 48901)*

Tobacco products include: *(Business and Professions Code 22950.5; Education Code 48901)*

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
3. Any component, part, or accessory of a tobacco product, whether or not sold separately.

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*

*BUSINESS AND PROFESSIONS CODE*

*22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions*

*HEALTH AND SAFETY CODE*

*39002 Control of air pollution from nonvehicular sources*

*104350-104495 Tobacco use prevention, especially:*

*104495 Prohibition of smoking and tobacco waste on playgrounds*

*104559 Tobacco use prohibition*

*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*

*7111-7122 Student Support and Academic Enrichment Grants*

*CODE OF FEDERAL REGULATIONS, TITLE 21*

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

*PUBLIC EMPLOYMENT AND RELATIONS BOARD 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:**

*WEBSITES*

*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>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Business and Noninstructional  
Operations**

**TOBACCO-FREE SCHOOLS  
AR 3513.3**

**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)*

*(cf. 5145.6 - Parental Notifications)*

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

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

The Superintendent or designee shall ensure that signs stating, "Tobacco use is prohibited" are prominently displayed at all entrances to school property. *(Health and Safety Code 104420, 104559)*

**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 - Dismissal/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)*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Business and Noninstructional  
Operations**

**ENVIRONMENTAL SAFETY  
BP 3514**

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 - Student Health and Social 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 AGRICULTURE 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 Resource:****CSBA PUBLICATIONS**

*Indoor Air Quality: Governing Board Actions for Creating Health 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*

**CDE 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, 2007*  
*Indoor Air Quality Tools for Schools, rev. 2009*  
*Mold Remediation in Schools and Commercial Buildings, September 2008*  
*The ABCs of Asbestos in Schools, re. August 2003*  
*How to Manage Asbestos in School Buildings: AHERA Designated Person's Self-Study Guide, 1996*

**WEBSITES**

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: <https://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>*  
*US EPA: <http://www.epa.gov>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Business and Noninstructional  
Operations**

**ENVIRONMENTAL SAFETY  
AR 3514**

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 following strategies shall be implemented:

1. Mechanically driven heating, ventilating, 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 5 years. *(8 CCR 5142-5143)*

*(cf. 3580 - District Records)*

Staff shall ensure that airflow is not obstructed by the blocking 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, mildew. Wet building materials and furnishing 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. A carbon monoxide detector or alarm shall be installed in all school buildings that contain a fuel-burning appliance, fireplace, or forced-air furnace. Unless otherwise exempted by state law or regulations. 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 perfumes or cologne, scented lotions or hair spray, nail polish or nail polish remover, or other personal care products that are not fragrance-free in classrooms, school buses, or other enclosed areas or buildings.

*(cf. 6163.2 - Animals at School)*

## **OUTDOOR AIR QUALITY**

The Superintendent or designee may coordinate with the local air resources control board and monitor local health advisories and outdoor air quality alerts to obtain forecasts of ozone levels, particle pollution, ultraviolet radiation levels and/or temperature and humidity.

Whenever a forecast indicates 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. 3516 - Emergencies and Disaster Preparedness Plan)*

*(cf. 3516.5 - Emergency Schedules)*

*(cf. 5141.7 - Sun Safety)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

## **REDUCTION OF 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 school bus that is diesel-fueled, dual-fueled, or alternative diesel-fueled and has 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 SAFETY**

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 ensure that drinking water consumed at school does not contain dirt, mold, lead, or other impurities or contaminants that may cause serious 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 any potential problem 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 or on-site water filtration, 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 shut down and make inoperable any fountains or faucets where excess lead levels may exist.

### **PREVENTION OF LEAD EXPOSURE**

In addition to testing for the presence of lead in drinking water in district schools, the following steps shall be taken to minimize potential exposure to lead in school facilities:

1. School facilities shall be kept as dust-free and clean as possible.
2. 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*)
3. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
4. 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.
5. 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.

Any action to abate existing lead hazards 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*)

### **PREVENTION OF MERCURY EXPOSURE**

The Superintendent or designee shall identify any mercury-containing products 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 building 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 6 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 3 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, 763.90)*

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 2 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 building materials shall receive 14 hours of additional training. The training 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 3 years, records pertaining to each preventive measure and response action taken; staff training; periodic surveillance conducted; cleaning, operations, and maintenance activities; and any fiber release episode. *(40 CFR 763.94)*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Business and Noninstructional  
Operations**

**HAZARDOUS SUBSTANCES  
BP 3514.1**

The Governing Board desires to provide a safe school environment that protects students and employees from exposure to potentially hazardous substances used in the District's educational program and in the maintenance and operation of District facilities and equipment.

*(cf. 3514 - Environmental Safety)*  
*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*  
*(cf. 4157 / 4257 / 4357 - Employee Safety)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5142 - Safety)*

Insofar as reasonably possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored and used on school property. When hazardous substances must be used, the Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

*(cf. 3510 - Green School Operations)*  
*(cf. 3514.2 - Integrated Pest Management)*

The Superintendent or designee shall ensure that all potentially hazardous substances on District properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The Superintendent or designee shall develop, implement, and maintain a written hazard communication program in accordance with 8 CCR 5194 and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

*(cf. 1240 - Volunteer Assistance)*

The Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan in accordance with 8 CCR 5191 and instruction to students about proper handling of hazardous substances.

*(cf. 6142.93 - Science Instruction)*

The Superintendent or designee shall not order or purchase for use in grades K-6 any arts and crafts materials containing a substance determined by the California Office of Environmental Health Hazard Assessment to be toxic. The Superintendent or designee shall not purchase any such toxic material for use in grades 7-12 unless it includes a warning label as specified in Education Code 32065 that identifies any toxic ingredients, warns of potential adverse health effects, and describes procedures for safe use and storage. *(Education Code 32064)*

**Legal Reference:***EDUCATION CODE**32060-32066 Toxic art supplies in schools**49340-49341 Hazardous substances education**49401.5 Legislative intent; consultation services**49411 Chemical listing; compounds used in school programs; determination of shelf life; disposal**FOOD AND AGRICULTURAL CODE**12981 Regulations re pesticides and worker safety**HEALTH AND SAFETY CODE**25163 Transportation of hazardous wastes; registration; exemptions; inspection**25500-25520 Hazardous materials; release response plans; inventory**108100-108515 California Hazardous Substances Act**LABOR CODE**6360-6363 Hazardous Substances Information and Training Act**6380-6386 List of hazardous substances**CODE OF REGULATIONS, Title 8**339 List of hazardous substances**3203 Illness and injury prevention program**3204 Records of employee exposure to toxic or harmful substances**5139-5230 Control of hazardous substances, especially**5154.1-5154.2 Ventilation**5161 Definitions**5162 Emergency eyewash and shower equipment**5163 Control of spills**5164 Storage of hazardous substances**5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan**5194 Hazard Communication**CODE OF REGULATIONS, TITLE 22**67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities***Management Resources:***CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**Science Safety Handbook for California Public Schools, 2012**CALIFORNIA OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT PUBLICATIONS**Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use, September 17, 2016**WEBSITES**CSBA: <http://www.csba.org>**California Department of Education: <http://cde.ca.gov>**California Office of Environmental Health Hazard Assessment: <http://www.oehha.ca.gov>**Department of Industrial Relations, Cal/OSHA: <http://www.dir.ca.gov/dosh>*



# TEACHER NOTIFICATION

## ACCESS TO STUDENT DISCIPLINE RECORDS

Pursuant to Education Code 49079 and Assembly Bill 29 (Pacheco, 1998), this notice is to inform teachers of their right to access a student's cumulative file and any pertinent discipline files. Teachers have a right to review previous suspension and/or expulsion information for their students for the previous 3 years.

### **EDUCATION CODE SECTION 49079 (excerpt) . . .**

A school district shall inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions, except subdivision (h), of Section 48900 or in Section 48900.2, 48900.3, 48900.4, or 48900.7 that the pupil engaged in, or is reasonably suspected to have engaged in, those acts. The district shall provide the information to the teacher based upon any records that the district maintains in its ordinary course of business, or receives from a law enforcement agency, regarding a pupil described in this section.

The information provided shall be from the previous three school years.

Any information received by a teacher pursuant to this section shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher.

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Community Relations**

**UNIFORM COMPLAINT PROCEDURES  
BP 1312.3**

The Governing Board recognizes the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the 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.

**COMPLAINTS SUBJECT TO UCP**

The District's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities that cannot be resolved by school administration and initial District office appeal:

1. Accommodations for pregnant and parenting students. (*Education Code 46015*)
2. Adult education programs. (*Education Code 8500-8538, 52334.7, 52500-52617*)
3. After School Education and Safety programs. (*Education Code 8482-8484.65*)
4. Agricultural career technical education. (*Education Code 52460-52462*)
5. Career technical and technical education and career technical and technical training programs. (*Education Code 52300-52462*)
6. Child care and development programs. (*Education Code 8200-8498*)
7. Compensatory education. (*Education Code 54400*)
8. Consolidated categorical aid programs. (*Education Code 33315; 34 CFR 299.10- 299.12*)
9. Course periods without educational content. (*Education Code 51228.1-51228.3*)
10. Discrimination, harassment, intimidation, or bullying in District programs and activities, including in 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, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics. (*5 CCR 4610*)

11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school. (*Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2*)
12. Every Student Succeeds Act. (*Education Code 52059; 20 USC 6301 et seq.*)
13. Local control and accountability plan. (*Education Code 52075*)
14. Migrant education. (*Education Code 54440-54445*)
15. Physical education instructional minutes. (*Education Code 51210, 51222, 51223*)
16. Student fees. (*Education Code 49010-49013*)
17. Reasonable accommodations to a lactating student. (*Education Code 222*)
18. Regional occupational centers and programs. (*Education Code 52300-52334.7*)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding. (*Education Code 64001*)
20. School safety plans. (*Education Code 32280-32289*)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding. (*Education Code 65000*)
22. State preschool programs. (*Education Code 8207-8225*)
23. State preschool health and safety issues in license-exempt programs. (*Education Code 8212*)
24. 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.
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate.

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process 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 (such as discriminatory harassment, intimidation,

or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint, if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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 requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee 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.

### NON-UCP COMPLAINTS

The following complaints shall not be subject to the District's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division, or the appropriate law enforcement agency. *(5 CCR 4611)*
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. *(5 CCR 4611)*
3. Any complaint alleging that a student, while in an education program or activity in which the District exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the District in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the District is subject, or a physical safety concern that interferes with the District's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. *(5 CCR 3200- 3205)*
6. Any complaint alleging noncompliance of the District's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or

use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. *(5 CCR 15580-15584)*

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the District's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. *(5 CCR 15582)*
8. 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 shall be investigated and resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. *(Education Code 35186)*



**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Community Relations**

**UNIFORM COMPLAINT PROCEDURES  
AR 1312.3**

Except as 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.

**COMPLIANCE OFFICERS**

The District designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating, and investigating complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination, harassment, intimidation, or bullying and in AR 5145.7 - Sexual Harassment for handling complaints regarding sexual harassment.

- |  |  |
|--|--|
| 1. Superintendent<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>supt@eduhd.k12.ca.us                                   | 5. Assistant Superintendent,<br>Business Services<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>rwhittenberg@eduhd.net |
| 2. Deputy Superintendent,<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>cmoore@eduhd.net                               | 6. Principal, El Dorado High School<br>561 Canal Street<br>Placerville, CA 95667<br>(530) 622-3634 Ext. 1020                                     |
| 3. Assistant Superintendent,<br>Human Resources<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>tdeville@eduhd.net       | 7. Principal, Ponderosa High School<br>3661 Ponderosa Rd.<br>Shingle Springs, CA 95682<br>(530) 677-2281 Ext. 2216                               |
| 4. Senior Director,<br>Student Services and Innovation<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>cpalmer@eduhd.net | 8. Principal, Oak Ridge High School<br>1120 Harvard Way<br>El Dorado Hills, CA 95762<br>(916) 933-6980 Ext. 3010                                 |
| Senior Director, Student Success<br>4675 Missouri Flat Rd.<br>Placerville, CA 95667<br>(530) 622-5081<br>pbartlett@eduhd.net                     | 9. Principal, Union Mine High School<br>6530 Koki Lane<br>El Dorado, CA 95623<br>(530) 621-4003 Ext. 4120  |
|  | 10. Director, Independence High School<br>385 Pleasant Valley Rd.<br>Diamond Springs, CA 95619<br>(530) 622-7090 Ext. 7130                       |

11. Director, Pacific Crest Academy  
6540 Koki Lane  
El Dorado, CA 95623  
(530) 622-6212 Ext. 7017

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 another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of 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, including those alleging 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.

The compliance officer or, if necessary, an appropriate administrator shall determine whether interim measures are necessary during an investigation and while the result is pending. 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, if possible, 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*)

In addition, the Superintendent or designee shall annually provide written notification of the District's UCP, to students, employees, parents/guardians, of District students, District advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (*5 CCR 4622*)

The notice shall include:

1. A statement that the District is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs

and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy.

2. The title of the position responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate.
3. A statement that a UCP complaint, except a complaint alleging unlawful discrimination, harassment, intimidation, or bullying, must be filed no later than 1 year from the date the alleged violation occurred.
4. A statement that a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct.
5. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities.
6. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.
7. A statement that the District will post a standardized notice of the educational rights and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the District, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process.
8. A statement that complaints will be investigated in accordance with the District's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.
9. A statement that, for programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the District's investigation report to CDE by filing a written appeal, including a copy of the original complaint and the District's decision, within 30 days of receiving the District's decision.
10. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal laws prohibiting discrimination, harassment, intimidation, or bullying, if applicable.
11. A statement that copies of the District's UCP are available free of charge.

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 and District school's websites and, may be provided through District-supported social media, if available.

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 UCP policy, regulation, forms, and notices 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.

### 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. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

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 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 the programs specified in the accompanying Board policy may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against 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.
3. A UCP complaint except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than 1 year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges having personally suffered unlawful discrimination, a

person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation or bullying.

5. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than 6 months from the date that the alleged discrimination occurred, or 6 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*)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, 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.
7. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim 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 3 business days after receiving the complaint, the compliance officer may informally discuss with all parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than 1 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 permit the mediator access to all 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 an 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 upon 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 1 business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or 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. The compliance officer 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 the 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 any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Refusal by the District to provide the investigator with access to records and/or information related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or 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)

## TIMELINE FOR FINAL DECISION INVESTIGATION REPORT

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written investigation report, as described in the section "Investigation Report" below, within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination, harassment, intimidation, and bullying, the respondent shall be informed of any extension of the timeline agreed to by the complainant.

**INVESTIGATION REPORT**

For all complaints, the District's investigation report shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether the District is in compliance with the relevant law.
3. Corrective action(s) whenever the District finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600.
4. Notice of the complainant's right to appeal the District's investigation report to CDE, except when the District has used the UCP to address a complaint not specified in 5 CCR 4610.
5. Procedures to be followed for initiating an appeal to CDE.

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

In consultation with District legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report 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 (LEP) or parent/guardian then the District's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

For complaints alleging unlawful discrimination, harassment, intimidation, and bullying based on state law, the investigation report shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the District's complaint procedures, including, but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with 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.

For complaints involving retaliation, or unlawful discrimination, harassment, intimidation, or bullying involving a student as the respondent, appropriate corrective actions that may be provided to the student 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 or 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.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational conduct, or any requirement related to the LCAP is found to have merit, the District shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (*Education Code 49013, 51222, 51223, 52075*)

For complaints alleging noncompliance with the laws regarding student fees, the District by engaging in reasonable efforts, shall attempt in good faith 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 investigation report on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with the CDE within 30 calendar days of receiving the District's investigation report. (*5 CCR 4632*).

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the District's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal including at least one of the following:

1. The District failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the District's investigation report lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the District's investigation report are not supported by substantial evidence.
4. The legal conclusion in the District investigation report is inconsistent with the law.
5. In a case in which the District found noncompliance, the corrective actions fail to provide a proper remedy.

Upon notification by CDE that the District's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the

date of notification: *(5 CCR 4633)*

1. A copy of the original complaint.
2. A copy of the District's investigation report.
3. 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.
4. A report of any action taken to resolve the complaint.
5. A copy of the District's UCP.
6. Other relevant information requested by CDE.

If notified by CDE that the District's investigation report failed to address allegation(s) raised by the complaint, the District shall, within 20 days of the notification, provide CDE and the appellant with an amended investigation report that addresses the allegation(s) that were not addressed in the original investigation report. The amended report shall also inform the appellant of the right to separately appeal the amended report with respect to the allegation(s) that were not addressed in the original report. *(5 CCR 4632)*



**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**UNIVERSAL PRECAUTIONS  
BP 4119.43/4219.43/4319.43**

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Government Board requires that universal precautions be observed throughout the District.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.24 - Specialized Health Care Services)*  
*(cf. 5141.6 - School Health Services)*  
*(cf. 6145.2 - Athletic Competition)*

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use 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 this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. *(Health and Safety Code 120875, 120880)*

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

Information regarding universal precautions may be included in the employee annual notice.

Employees shall immediately report any exposure incident or first-aid incident in accordance with the District's exposure control plan for bloodborne pathogens or other safety procedures.

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

**Legal Reference:**

*GOVERNMENT CODE*

*3543.2 Scope of bargaining*

*HEALTH AND SAFETY CODE*

*117600-118360 Handling and disposal of regulated waste*

*120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

*120880 Information to employees of school district*

*LABOR CODE*

*6401.7 Injury and illness prevention program*

*CODE OF REGULATIONS, TITLE 8*

*3203 Injury and illness prevention program*

*5193 California Bloodborne Pathogens Standard*

*CODE OF FEDERAL REGULATIONS, TITLE 29*

*1910.1030 OSHA Bloodborne Pathogens Standards*

***Management Resource:***

*CDE ADVISORIES*

*Hepatitis B Questions and Answers for the Public*

*WEBSITES*

*American Federation of Teachers: <https://www.aft.org>*

*California Department of Industrial Relations, Occupational Safety and Health:*

*[http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)*

*California Department of Public Health: <https://www.cdph.ca.gov>*

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*U.S. Department of Labor, Occupational Safety and Health Administration:*

*<http://www.osha.gov>*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**All Personnel**

**UNIVERSAL PRECAUTIONS  
AR 4119.43 / 4219.43 / 4319.43**

**DEFINITIONS**

*Universal Precautions* is an approach to infection control. All human blood and certain human body fluids, including but not limited to semen, vaginal secretions, and any body fluid that is visibly contaminated with blood, are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B (HBV), hepatitis C virus (HBC), and other bloodborne pathogens. (8 CCR 5193; 29 CFR 1910.1030)

*Occupational exposure* means reasonably anticipated contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

A *sharp* is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

**INFECTION CONTROL PRACTICES**

For the prevention of infectious disease, the District shall:

1. Effectively maintain the worksite in a clean and sanitary condition, and implement an appropriate written schedule for cleaning and decontamination of the worksite.

(cf. 4119.42/4219.42/4319.42 - *Exposure Control Plan for Bloodborne Pathogens*)

2. When necessary for employees with occupational exposure to bloodborne pathogens, provide appropriate personal protective equipment, such as eye protection, gloves, masks, and outer garments, at no cost to the employee. (8 CCR 5193)
3. Provide handwashing facilities which are readily accessible to employees, or, if not feasible, provide an appropriate antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes.

Any employee who has contact with blood or other body fluid, regardless of whether bloodborne pathogens are known to be present, shall:

1. Use personal protective equipment as appropriate.
2. Wash hands and other skin surfaces thoroughly with soap and running water:
  - a. Immediately or as soon as feasible following contact with blood or any other potentially infectious materials.

- b. Immediately after removing gloves or other personal protective equipment.
3. When handwashing facilities are not available, use antiseptic hand cleanser in conjunction with clean cloth or paper towels, or antiseptic towelettes. In such instances, hands shall be washed with soap and running water as soon as feasible.
4. Refrain from eating, drinking or smoking, applying cosmetics or lip balm, or handling contact lenses in work areas with a reasonable likelihood of occupational exposure to bloodborne pathogens.
5. Clean and decontaminate all equipment and environmental and work surfaces after contact with blood or other potentially infectious material, no later than the end of the shift or more frequently as required by state regulations.
6. Rather than using the hands directly, use mechanical means such as a brush and dust pan, tongs or forceps to clean up broken glassware which may be contaminated.
7. Use effective techniques designed to minimize the risk of a sharps injury in all procedures involving the use of sharps.

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.24 - Specialized Health Care Services)*

- a. Needleless systems shall be used to administer medication or fluids, withdraw body fluids after initial venous or arterial access is established, and conduct any other procedure involving the potential for an exposure incident for which a needleless system is available as an alternative to the use of needle devices. If needleless systems are not used, needles or non-needle sharps with engineered sharps injury protection shall be used.
- b. Contaminated needles or other sharps shall not be broken, bent, recapped, removed from devices, or stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.
- c. Disposable sharps shall not be reused.
8. Handle, store, treat, and dispose of regulated waste in accordance with Health and Safety Code 117600-118360 and other applicable state and federal regulations.
  - a. Immediately or as soon as possible after use, contaminated sharps shall be placed in containers meeting the requirements of 8 CCR 5193.
  - b. Specimens of blood or other potentially infectious material shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 5141 - Health Care and Emergencies)*  
*(cf. 5141.22 - Infectious Diseases)*  
*(cf. 5141.6 - School Health and Social Services)*  
*(cf. 6145.2 - Athletic Competition)*

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

**EXPOSURE CONTROL PLAN FOR  
BLOODBORNE PATHOGENS  
BP 4119.42 / 4219.42 / 4319.42**

As part of its commitment to provide a safe and healthy work environment, the Governing Board recognizes the importance of protecting employees from possible infection due to contact with bloodborne pathogens, including, but not limited to, hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV). The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace.

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.6 - School Health Services)*

The exposure control plan shall be consistent with the District's injury and illness prevention program established pursuant to Labor Code 6401.7 and 8 CCR 3203. *(8 CCR 5193)*

*(cf. 4157/4257/4357 - Employee Safety)*

The Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the District's exposure control plan, employees having occupational exposure shall receive training and be offered the hepatitis B vaccination. *(8 CCR 5193; 29 CFR 1910.1030)*

Any employee not identified by the Superintendent or designee as having occupational exposure may submit a request to the Superintendent or designee to be included in the training and hepatitis B vaccination program. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with any infectious material.

In the event that an employee has an exposure incident, the District shall implement follow-up procedures in accordance with the exposure control plan. All such incidents shall be evaluated to determine whether changes need to be made in District practices.

***Legal Reference:***

*GOVERNMENT CODE*

*3543.2 Scope of bargaining*

*LABOR CODE*

*142.3 Authority of Cal/OSHA to adopt standards*

*144.7 Requirement to amend standards*

*6401.7 Injury and illness prevention program*

*CODE OF REGULATIONS, Title 8*

*3203 Injury and illness prevention program*

*3204 Access to Employee Exposure and Medical Records*



**EXPOSURE CONTROL PLAN FOR  
BLOODBORNE PATHOGENS (continued)**

**BP 4119.42 / 4219.42 / 4319.42**

*5193 California Bloodborne Pathogens Standard  
CODE OF FEDERAL REGULATIONS, TITLE 29  
1910.1030 OSHA Bloodborne Pathogens Standards*

***Management Resources:***

*CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS  
Frequently Asked Questions About the Bloodborne Pathogens Standard  
A Best Practices Approach for Reducing Bloodborne Pathogens Exposure, 2001  
Exposure Control Plan for Bloodborne Pathogens, 2001*

***WEBSITES***

*California Department of Industrial Relations, Occupational Safety and Health:  
[http://www.dir.ca.gov/occupational\\_safety.html](http://www.dir.ca.gov/occupational_safety.html)  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
U.S. Department of Labor, Occupational Safety and Health Administration:  
<http://www.osha.gov>*

## BLOODBORNE PATHOGEN STAFF INFORMATION

The Occupational Safety and Health Administration (OSHA) issued a bloodborne pathogens standard in 1993 (8 CCR 5193) from which school districts have developed exposure control plans. A copy of the standard and our district's bloodborne pathogens exposure control plan is located in each school office in a red binder labeled "Exposure Control Plan." A copy is also available in the Personnel Department at the District Office. The exposure control plan outlines methods for you and the school to follow in order to substantially reduce the risk of your contracting a bloodborne disease while at school.

### BLOODBORNE PATHOGENS (BBP)

**Definition:** BBP are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

- HBV and HCV can cause severe and sometimes fatal liver disease. HBV is more common and more contagious than HIV. HBV can live on environmental surfaces dried and at room temperature (e.g., a counter top) for at least one week. This is why the custodians use chemicals in the bathrooms, on the floors, etc., that kill HBV.
- HIV causes acquired immunodeficiency syndrome (AIDS). HIV is a fragile virus and cannot live very long outside the body.

**Transmission** is by blood or other body fluids entering your body through open cuts or other breaks in the skin and through the mucous membranes of your mouth, eyes, or nose.

- In the school setting, the most common way an employee becomes exposed to a BBP is when the employee has an open sore or other break in the skin which comes in contact with blood or other infectious material.
- Some circumstances where blood is likely to be encountered at school include fights, sports injuries, nosebleeds, accidents/injuries, industrial arts classes, science labs, and art classes.
- BBP can also be transmitted indirectly. This occurs when a person touches an object or surface contaminated with BBP (from blood or other bodily fluids) and then transfers the BBP to his/her mouth, eyes, nose, or broken skin.

**Symptoms** may be mild or severe enough to require hospitalization OR a person can be asymptomatic (even though he/she is infected and is capable of spreading the virus to others). Symptoms include:

- |                     |                          |   |
|---------------------|--------------------------|---|
| – Flu-like symptoms | – Muscle and joint pains | – Dark colored urine                      |
| – Tiredness         | – Fever                  | – Jaundice (yellow colored skin and eyes) |
| – Weight loss       | – Loss of appetite       | – Diarrhea                                |

Only a blood test can positively identify that a person has a disease.

**Confidentiality:** Health information is confidential; therefore, whether someone has a BBP or not is usually unknown.

**Universal Precautions:** Most approaches to infection control are based on a concept called Universal Precautions. According to the concept of Universal Precautions, all human blood and body fluids are treated

as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens. Universal precautions shall be used within the school setting at all times to prevent contact with blood or other potentially infectious materials.

### **Methods to Reduce or Prevent Exposure to BBP:**

Used alone, the following five methods are not 100% effective; they must be used together, like five barriers against infection.

1. Engineering Controls include physical or mechanical systems provided to eliminate hazards at their source:
  - Sharps containers
  - Red biohazard plastic bags for the disposal of blood-saturated materials (blood-saturated means that blood can be wrung out of the contaminated material).
2. Work Practice Controls include specific procedures you must follow on the job to reduce your exposure to BBP.

#### Hand Washing:

- If blood or another body fluid gets on your hands, the sooner you wash it off, the less chance you have of becoming infected.
- Hand washing keeps you from transferring contamination from your hands to other areas of your body or other surfaces you may contact later.
- Every time you remove your gloves, you must wash your hands with nonabrasive soap and running water as soon as you possibly can.
- If skin or mucous membranes come in direct contact with blood or body fluids, wash or flush the area with water as soon as possible.
- Where hand washing facilities are not available, you may use antiseptic towelettes. Use these as a temporary measure only. You must still wash your hands with soap and running water as soon as you can.

Personal Hygiene: Do not eat, drink, apply cosmetics or lip balms, or handle contact lenses where there is a reasonable likelihood of occupational exposure.

3. Personal Protective Equipment includes equipment that protects you from contact with blood or other potentially infectious materials.
  - These may include gloves, masks, aprons, mouthpieces or protective eye wear.
  - The district has selected a variety of personal protective items and has them available; it is up to each individual to use them (e.g., gloves). Contact the health technician at your site for personal protective items.
  - Protective equipment must not allow potentially infectious material to contact your clothing or skin. The type of protective equipment appropriate for a given task depends on the degree of exposure you anticipate.

- Gloves act as a barrier between your hands and body substances. Disposable gloves are used for first aid and in emergencies. Gloves are the most widely used and basic form of personal protective equipment. You must wear gloves when it is reasonably anticipated that you may have hand contact with another person's blood, body fluids, mucous membranes, or non-intact skin.
  - Any cuts on your hands should be covered with Band-Aids before gloving.
  - Replace gloves as soon as possible if they are contaminated, torn, punctured, or damaged in any way. Never wash or reuse disposable gloves.
- Remove gloves in the following manner to prevent contamination of your hands:
  - Peel one glove off from the wrist to the fingers and hold it in the gloved hand.
  - Peel the second glove from the inside, tucking the first glove inside the second.
  - Dispose of gloves in a waste container before leaving the area. Wash your hands thoroughly after removing gloves.

If faced with cleaning up blood or body fluids, call the office and the custodial staff will clean it with an EPA-approved germicidal solution.

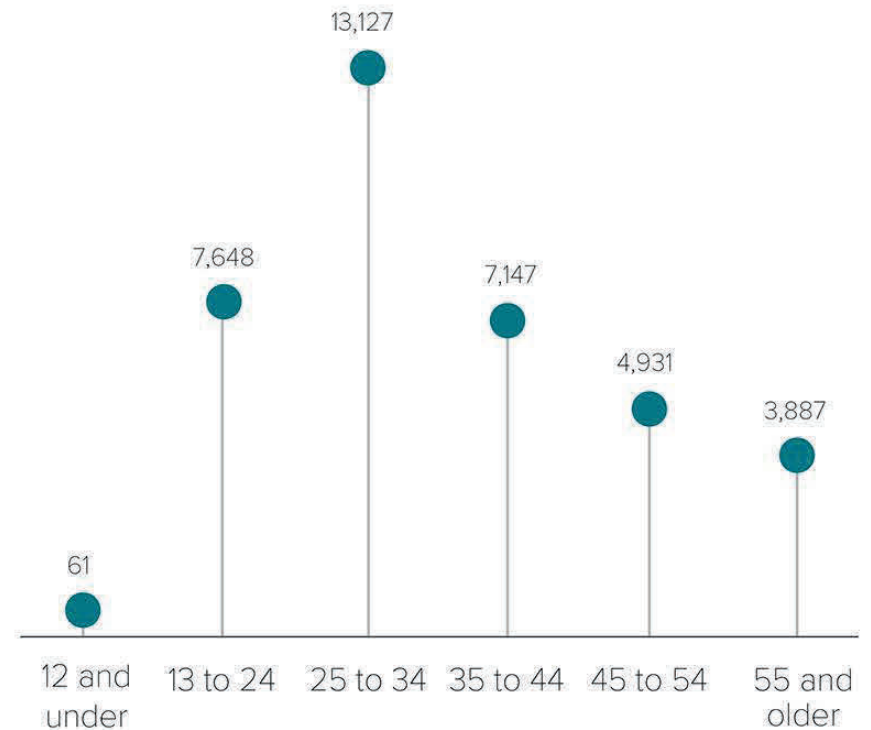
4. Housekeeping: Good housekeeping protects you and the students. The Exposure Control Plan lists specific methods and regular schedules for cleaning environmental surfaces possibly contaminated with infectious materials. Some general rules:
  - All equipment and environmental working surfaces must be cleaned and decontaminated with an appropriate disinfectant or 10 percent bleach to water solution as soon as possible after contact with blood or other potentially infectious materials.
  - Never pick up broken glass with bare hands. Always wear gloves, and use tongs or a broom and dustpan to pick up broken glass.
5. HBV Vaccination: One of the best ways to protect yourself from hepatitis B infection is to get the HBV vaccine (a series of 3 injections given at specific intervals). It is an inactivated vaccine; you cannot get hepatitis B from the vaccine. The vaccine is very effective and immunity lasts at least 15 years. It is grown in yeast, so you need to not be allergic to yeast. Your health insurance will usually pay for this vaccine.
  - Procedure to follow if you have contact with blood or bodily fluids:

**If you have contact with blood or body fluids, you need to do the following:**

- For blood or body fluids on your skin, wash skin immediately with soap and water.
- For blood or body fluids in contact with your mucous membranes or eyes, flush the area with water for 15 minutes.
- Report immediately to your supervisor any incident involving the presence of blood or body fluids. A written incident report must be completed. If the incident report indicates that you have been exposed to BBP, medical follow-up will be provided

# New HIV Diagnoses in the US and Dependent Areas by Age, 2019

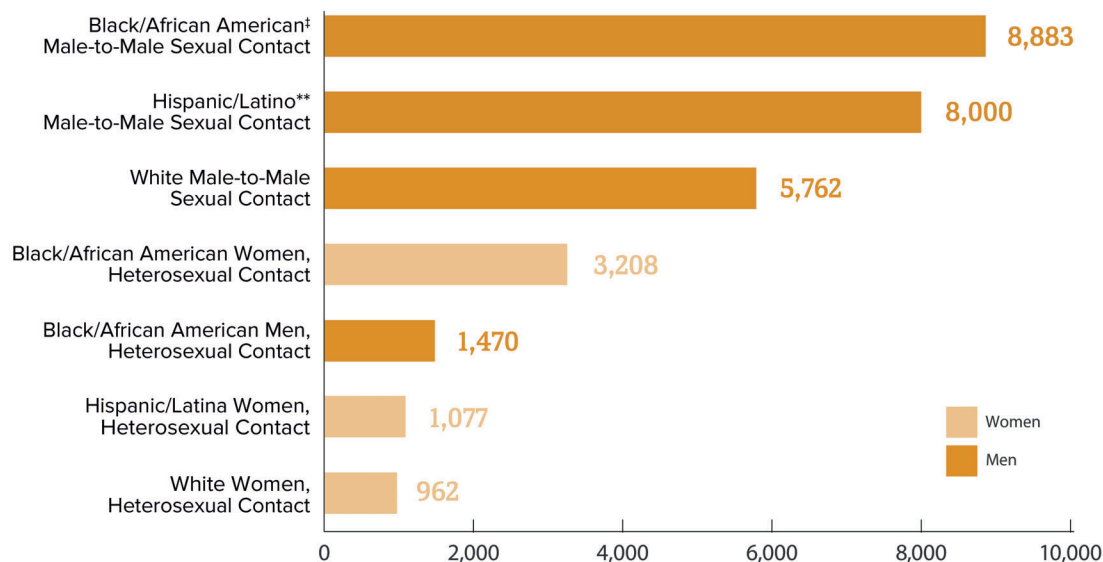
The number of new HIV diagnoses was highest among people aged 25 to 34.



Source: CDC. Diagnoses of HIV infection in the United States and dependent areas, 2019. *HIV Surveillance Report* 2021;32.

# New HIV Diagnoses in the US and Dependent Areas for the Most-Affected Subpopulations, 2021\*†

Gay and bisexual men are the population most affected by HIV.



Subpopulations representing 2% or less of all people who received an HIV diagnosis in 2021 are not represented in this chart.

\* Among people aged 13 and older.

† Transmission category is classified based on a hierarchy of risk factors most likely responsible for HIV transmission. Classification is determined based on the person's sex assigned at birth. Data have been statistically adjusted to account for missing transmission category.

‡ *Black* refers to people having origins in any of the Black racial groups of Africa. *African American* is a term often used for people of African descent with ancestry in North America.

\*\* Hispanic/Latino people can be of any race.

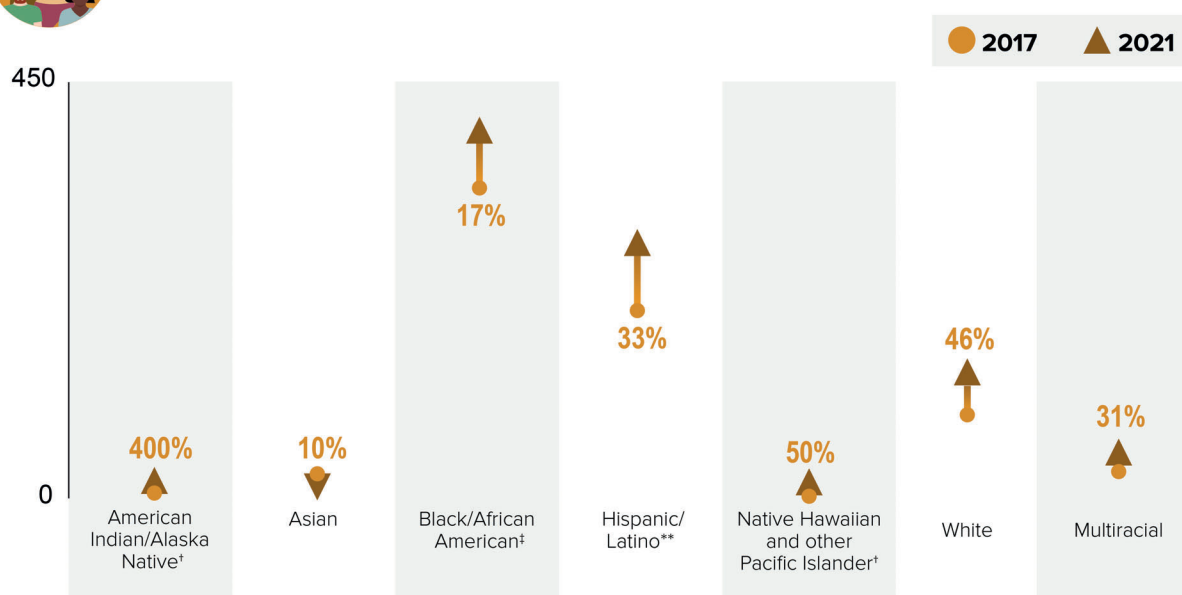
Source: CDC. Diagnoses of HIV infection in the United States and dependant areas, 2021. *HIV Surveillance Report 2023*;34.



# Trends in HIV Diagnoses Among Transgender People in the US and Dependent Areas by Race and Ethnicity, 2017-2021\*



## Trends by Race and Ethnicity



\* Among people aged 13 and older.

† Changes in subpopulations with fewer HIV diagnoses can lead to a large percentage increase or decrease.

‡ *Black* refers to people having origins in any of the Black racial groups of Africa. *African American* is a term often used for people of African descent with ancestry in North America.

\*\* Hispanic/Latino people can be of any race.

Source: CDC. Diagnoses of HIV infection in the United States and dependent areas, 2021. *HIV Surveillance Report* 2023;34.

# Occupational HIV Transmission and Prevention among Health Care Workers

June 2015

## Fast Facts

- Occupational transmission of HIV to health care workers is extremely rare.
- CDC recommends proper use of safety devices and barriers to prevent exposure to HIV in the health care setting.
- For workers who are exposed, CDC has developed recommendations to minimize the risk of developing HIV.

Only 58 cases of confirmed occupational transmission of HIV to health care workers have occurred in the United States. The proper use of gloves and goggles, along with safety devices to prevent injuries from sharp medical devices, can help minimize the risk of exposure to HIV in the course of caring for patients with HIV. When workers are exposed, the Centers for Disease Control and Prevention (CDC) recommends immediate treatment with a short course of antiretroviral drugs to prevent infection.

## The Numbers

As of December 31, 2013, 58 confirmed occupational transmissions of HIV and 150 possible transmissions had been reported in the United States. Of these, only one confirmed case has been reported since 1999. Underreporting of cases to CDC is possible, however, because case reporting is voluntary.

Health care workers who are exposed to a needlestick involving HIV-infected blood at work have a 0.23% risk of becoming infected. In other words, 2.3 of every 1,000 such injuries, if untreated, will result in infection. Risk of exposure due to splashes with body fluids is thought to be near zero even if the fluids are overtly bloody. Fluid splashes to intact skin or mucous membranes are considered to be extremely low risk of HIV transmission, whether or not blood is involved.

## Prevention Strategies

To prevent transmission of HIV to health care workers in the workplace, health care workers must assume that blood and other body fluids from all patients are potentially infectious. They should therefore follow these infection control precautions at all times:

- Routinely use barriers (such as gloves and/or goggles) when anticipating contact with blood or body fluids.
- Immediately wash hands and other skin surfaces after contact with blood or body fluids.
- Carefully handle and dispose of sharp instruments during and after use.

Safety devices have been developed to help prevent needlestick injuries. If used properly, these types of devices may reduce the risk of exposure to HIV. Many percutaneous injuries, such as needlesticks and cuts, are related to the disposal of sharp-ended medical devices. All used syringes or other sharp instruments should be routinely placed in “sharps” containers for proper disposal to prevent accidental injuries and risk of HIV transmission.

Although the most important strategy for reducing the risk of occupational HIV transmission is to prevent occupational exposures, plans for postexposure management of health care personnel should be in place. CDC issued updated guidelines in 2013 for the management of health care worker exposures to HIV and recommendations for postexposure prophylaxis (PEP): *Updated U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HIV and Recommendations for Postexposure Prophylaxis*. ([www.ncbi.nlm.nih.gov/pubmed/23917901](http://www.ncbi.nlm.nih.gov/pubmed/23917901))

Occupational exposure is considered an urgent medical concern and should be managed immediately after possible exposure—the sooner the better; every hour counts. The CDC guidelines outline considerations in determining whether health care workers should receive PEP (antiretroviral medication taken after possible exposure to reduce the chance of infection with HIV) and in choosing the type of PEP regimen. For most HIV exposures that warrant PEP, a basic 4-week, two-drug regimen is recommended, starting as soon as possible after exposure (within 72 hours). For HIV exposures that pose an increased risk of transmission (based on the infection status of the source and the type of exposure), a three-drug regimen may be recommended. Special circumstances, such as a delayed exposure report, unknown source person, pregnancy in the exposed person, resistance of the source virus to antiretroviral agents, and toxicity of PEP regimens, are also discussed in the guidelines.

## Building Better Prevention Programs for Health Care Workers

Continued diligence in the following areas is needed to help reduce the risk of occupational HIV transmission to health care workers:

- **Administrative efforts.** All health care organizations should train health care workers in infection control procedures and the importance of reporting occupational exposures immediately after they occur. Organizations should develop and distribute written policies for the management of occupational exposures.
- **Development and promotion of safety devices.** Effective and competitively priced devices engineered to prevent sharps injuries should continue to be developed for health care workers who frequently come into contact with potentially HIV-infected blood. Proper and consistent use of such safety devices should be continuously evaluated.
- **Monitoring the effects of PEP.** Data on the safety and acceptability of different regimens of PEP, particularly regimens that include new antiretroviral agents, should be monitored and evaluated continuously. Furthermore, health professionals who administer PEP must communicate possible side effects before treatment starts and follow patients closely to make sure they take their medicine correctly.

All cases of suspected occupationally acquired HIV should be reported to state health department HIV surveillance staff and the CDC coordinator for “Cases of Public Health Importance” at 404-639-2050.

View the bibliography at [www.cdc.gov/hiv/workplace/occupational.html](http://www.cdc.gov/hiv/workplace/occupational.html)

### Additional Resources

#### CDC-INFO

1-800-CDC-INFO (232-4636)  
[www.cdc.gov/info](http://www.cdc.gov/info)

#### CDC HIV Website

[www.cdc.gov/hiv](http://www.cdc.gov/hiv)

#### CDC Act Against AIDS Campaign

[www.cdc.gov/actagainstaids](http://www.cdc.gov/actagainstaids)

# HEPATITIS B

## General Information

### What is hepatitis?

“Hepatitis” means inflammation of the liver. The liver is a vital organ that processes nutrients, filters the blood, and fights infections. When the liver is inflamed or damaged, its function can be affected. Heavy alcohol use, toxins, some medications, and certain medical conditions can cause hepatitis. However, hepatitis is most often caused by a virus. In the United States, the most common types of viral hepatitis are Hepatitis A, Hepatitis B, and Hepatitis C.



The only way to know if you have Hepatitis B is to get tested.

### What is Hepatitis B?

Hepatitis B can be a serious liver disease that results from infection with the Hepatitis B virus. **Acute Hepatitis B** refers to a short-term infection that occurs within the first 6 months after someone is infected with the virus. The infection can range in severity from a mild illness with few or no symptoms to a serious condition requiring hospitalization. Some people, especially adults, are able to clear, or get rid of, the virus without treatment. People who clear the virus become immune and cannot get infected with the Hepatitis B virus again.

**Chronic Hepatitis B** refers to a lifelong infection with the Hepatitis B virus. The likelihood that a person develops a chronic infection depends on the age at which someone becomes infected. Up to 90% of infants infected with the Hepatitis B virus will develop a chronic infection. In contrast, about 5% of adults will develop chronic Hepatitis B. Over time, chronic Hepatitis B can cause serious health problems, including liver damage, cirrhosis, liver cancer, and even death.

### How is Hepatitis B spread?

The Hepatitis B virus is spread when blood, semen, or other body fluids from an infected person enters the body of someone who is not infected. The virus can be spread through:

- **Sex with an infected person.** Among adults, Hepatitis B is often spread through sexual contact.
- **Injection drug use.** Sharing needles, syringes, and any other equipment to inject drugs with someone infected with Hepatitis B can spread the virus.
- **Outbreaks.** While uncommon, poor infection control has resulted in outbreaks of Hepatitis B in healthcare settings.
- **Birth.** Hepatitis B can be passed from an infected mother to her baby at birth. Worldwide, most people with Hepatitis B were infected with the virus as an infant.

Hepatitis B is **not** spread through breastfeeding, sharing eating utensils, hugging, kissing, holding hands, coughing, or sneezing. Unlike some forms of hepatitis, Hepatitis B is also not spread by contaminated food or water.

### What are the symptoms of Hepatitis B?

Many people with Hepatitis B do not have symptoms and do not know they are infected. If symptoms occur, they can include: fever, feeling tired, not wanting to eat, upset stomach, throwing up, dark urine, grey-colored stool, joint pain, and yellow skin and eyes.

### When do symptoms occur?

If symptoms occur with an acute infection, they usually appear within 3 months of exposure and can last up to 6 months. If symptoms occur with chronic Hepatitis B, they can take years to develop and can be a sign of advanced liver disease.

*Continued on next page*



## How would you know if you have Hepatitis B?

The only way to know if you have Hepatitis B is to get tested. Blood tests can determine if a person has been infected and cleared the virus, is currently infected, or has never been infected.

## Who should get tested for Hepatitis B and why?

CDC develops recommendations for testing based upon a variety of different factors. Here is a list of people who should get tested. The results will help determine the next best steps for vaccination or medical care.

**All pregnant women** are routinely tested for Hepatitis B. If a woman has Hepatitis B, timely vaccination can help prevent the spread of the virus to her baby.

**Household and sexual contacts of people with Hepatitis B** are at risk for getting Hepatitis B. Those who have never had Hepatitis B can benefit from vaccination.

**People born in certain parts of the world** that have increased rates of Hepatitis B. Testing helps identify those who are infected so that they can receive timely medical care.

**People with certain medical conditions** should be tested, and get vaccinated if needed. This includes people with HIV infection, people who receive chemotherapy and people on hemodialysis.

**People who inject drugs** are at increased risk for Hepatitis B but testing can tell if someone is infected or could benefit from vaccination to prevent getting infected with the virus.

**Men who have sex with men** have higher rates of Hepatitis B. Testing can identify unknown infections or let a person know that they can benefit from vaccination.

## How is Hepatitis B treated?

For those with acute Hepatitis B, doctors usually recommend rest, adequate nutrition, fluids, and close medical monitoring. Some people may need to be hospitalized. People living with chronic Hepatitis B should be evaluated for liver problems and monitored on a regular basis. Treatments are available that can slow down or prevent the effects of liver disease.

## Can Hepatitis B be prevented?

Yes. The best way to prevent Hepatitis B is by getting vaccinated. The Hepatitis B vaccine is typically given as a series of 3 shots over a period of 6 months. The entire series is needed for long-term protection.

## Who should get vaccinated against Hepatitis B?

All infants are routinely vaccinated for Hepatitis B at birth, which has led to dramatic declines of new Hepatitis B cases in the US and many parts of the world. The vaccine is also recommended for people living with someone infected with Hepatitis B, travelers to certain countries, and healthcare and public safety workers exposed to blood. People with high-risk sexual behaviors, men who have sex with men, people who inject drugs, and people who have certain medical conditions, including diabetes, should talk to their doctor about getting vaccinated.

## For more information

Talk to your doctor, call your health department, or visit [www.cdc.gov/hepatitis](http://www.cdc.gov/hepatitis).

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Students**

**ADMINISTERING MEDICATION AND  
MONITORING HEALTH CONDITIONS  
AR 5141.21**

**DEFINITIONS**

**Authorized health care provider** means an individual who is licensed by the State of California to prescribe or order medication, including but not limited to, a physician or physician assistant. *(Education Code 49423; 5 CCR 601)*

**Other designated school personnel** means any individual employed by the District, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. *(5 CCR 601, 621)*

**Medication** may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. *(5 CCR 601)*

**Epinephrine auto-injector** means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. *(Education Code 49414)*

**Anaphylaxis** means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. *(Education Code 49414)*

*(cf. 5141.23 - Asthma Management)*

*(cf. 5141.27 - Food Allergies/Special Dietary Needs)*

**Opioid antagonist** means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. *(Education Code 49414.3)*

**NOTIFICATIONS TO PARENTS/GUARDIANS**

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. *(Education Code 49480)*



## **ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS (continued)**

**AR 5141.21**

*(cf. 5145.6 - Parental Notifications)*

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements:

*(Education Code 49480)*

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavior signs and symptoms of adverse side effects, omission or overdose.

### **PARENT/GUARDIAN RESPONSIBILITIES**

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. *(Education Code 49414.5, 49414.7, 49423, 49423.1; 5 CCR 600, 626)*
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. *(Education Code 49480)*
3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. *(5 CCR 606)*

### **PARENT/GUARDIAN STATEMENT**

When District employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student.
2. Grant permission for an authorized District representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to

the medication.

3. Contain an acknowledgment that the parent/guardian understands how District employees will administer the medication or otherwise assist the student in its administration.
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment.
5. Contain an acknowledgment that the parent/guardian understands that the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time.

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (*Education Code 49423, 49423.1*)

1. Consent to the self-administration.
2. Release the District and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication.

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the District to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation.
2. That the individual is permitted to be on the school site.
3. Any limitations on the individual's authority.

### **HEALTH CARE PROVIDER STATEMENT**

When any District employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear Identification of the student. (*Education Code 49423, 49423.1; 5 CCR 602*)
2. The name of the medication. (*Education Code 49423, 49423.1; 5 CCR 602, 602*)
3. The method, amount, and time schedules by which the medication is to be taken. (*Education Code 49423, 49423.1; 5 CCR 602*)

**ADMINISTERING MEDICATION AND  
MONITORING HEALTH CONDITIONS (continued)**

**AR 5141.21**

4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication. (*Education Code 49414.5, 49423, 49423.1; 5 CCR 602*)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (*Education Code 49423, 49423.1; 5 CCR 602*)
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation.
7. Possible side effects of the medication.
8. Name, address, telephone number, and signature of the student's authorized health care provider.

For self-administration of inhaled asthma medication, the District shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (*Education Code 49423.1*)

**DISTRICT RESPONSIBILITIES**

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement.
2. Accept delivery of medications from parents/guardians and count and record them upon receipt.
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered.
4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information.

**ADMINISTERING MEDICATION AND  
MONITORING HEALTH CONDITIONS (continued)**

**AR 5141.21**

- b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication.
- 5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student.
- 6. Ensure that student confidentiality is appropriately maintained.

*(cf. 5125 - Student Records)*

- 7. Coordinate and, as appropriate, ensure the administration of medication during field trips, and other school-related activities.

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6153 - School-Sponsored Trips)*

- 8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication.
- 9. Keep all medication to be administered by the District in a locked drawer or cabinet.
- 10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects.
- 11. Counsel other designated school personnel regarding the possible effects of the medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.
- 12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances.
- 13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance.
- 14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement.

**EMERGENCY EPINEPHRINE AUTO-INJECTORS**

**ADMINISTERING MEDICATION AND  
MONITORING HEALTH CONDITIONS (continued)**

**AR 5141.21**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. *(Education Code 49414)*

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. *(Education Code 49414)*

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

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. *(Education Code 49414)*

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

A school nurse or other qualified supervisor of health, or a District administrator if the District does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided 1 adult (regular) and 1 junior epinephrine auto-injector. Secondary schools shall be provided at least 1 adult (regular) epinephrine auto-injector, unless there are any students at the school who require a junior epinephrine auto-injector. *(Education Code 49414)*

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than 2 weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. *(Education Code 49414)*

Information regarding defense and indemnification provided by the District for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in the employee's personnel file. *(Education Code 49414)*

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

A school may accept gifts, grants, and donations from any source for the support of the school in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. *(Education Code 49414)*

*(cf. 3290 - Gifts, Grants and Bequests)*

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of 3 years from the date the records were created. *(Business and Professions Code 4119.2)*

*(cf. 3580 - District Records)*

### **EMERGENCY MEDICATION FOR OPIOID OVERDOSE**

The District may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. *(Education Code 49414.3)*

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. *(Education Code 49414.3)*

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. *(Education Code 49414.3)*

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. *(Education Code 49414.3)*

A school nurse, other qualified supervisor of health, or, if the District does not have a qualified supervisor of health, a District administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. *(Education Code 49414.3)*



**ADMINISTERING MEDICATION AND  
MONITORING HEALTH CONDITIONS (continued)**

**AR 5141.21**

If the medication is used, the school nurse, other qualified supervisor of health, or District administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. *(Education Code 49414.3)*

Information regarding defense and indemnification provided by the District for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in the employee's personnel file. *(Education Code 49414.3)*

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. *(Education Code 49414.3)*

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. *(Business and Professions Code 4119.8)*

# Work-Related Illness/Injury

Employee Procedures

Updated: June 27, 2023

Please direct questions and medical verifications to:

El Dorado Union  
High School District

Jessica Sarns,  
Human Resources Specialist  
Human Resources

4675 Missouri Flat Rd.  
Placerville, CA 95667

(530) 622-5081, ext. 7214

## For a life-threatening injury, call 911

### 1. Report the injury to your Supervisor.

**Supervisor Note:**

*CA Labor Code, Section 342, requires that every employer shall report any serious illness, injury, or death of an employee immediately by telephone (916-263-2800) to the nearest CAL/OSHA Office of the Division of Occupational Safety and Health. Serious illness/injury means any illness/injury requiring hospitalization or loss of any member of the body or serious degree of permanent disfigurement.*

### 2. Call the Early Intervention Nurse as soon as possible:

**1-877-742-3467**

Please do not seek medical treatment prior to reporting your injury/illness to the Early Intervention Nurse. To do so may result in the medical treatment being considered self-directed and the District may not be responsible for payment.

### If you call during business hours . . .

An Early Intervention Nurse will discuss your illness/injury with you and may direct you to obtain medical treatment at an occupational medical facility.

### If you call after hours or when an Early Intervention Nurse is not available . . .

a. Leave a message, and include the following:

- Your Full Name
- A Contact Phone Number
- A Description of the Work-Related Illness/Injury
- If you Intend to Seek Immediate Medical Treatment

b. Call the Early Intervention Nurse early the next day to follow up.

### 3. If medical treatment is obtained:

a. You will need to submit a medical verification, provided by your doctor, to the Human Resources Office (located at the District Office) prior to returning to work.

b. If the medical verification indicates you are **“Unable to Return to Work,”** you will remain off work until your restrictions change.

c. If the medical verification indicates a **“Release with Restrictions,”** the District will work with you and your site supervisor to determine if the restrictions can be reasonably accommodated.

- If the temporary restrictions **can** be reasonably accommodated, you may return to work. You will be required to adhere to the restrictions provided on the *Authorization to Return to Work* form.

- If the temporary restrictions **cannot** be reasonably accommodated, you will remain off work until your restrictions change.

### 4. Documenting your time off due to a work-related illness/injury:

All time off due to a work-related illness/injury must be designated as such on your absence reporting form and be substantiated by medical verification.

Once you have been released to work (full release or release with restrictions), **any subsequent time off to attend related medical appointments will be deducted from your sick leave.**

Note: Time off without medical verification may result in a deduction from your applicable available leave or result in a reduction of pay.

## Annual Notification of Pesticide Active Ingredients and Expected Pesticide Use

The *Healthy Schools Act of 2000* requires all school districts to provide parents and guardians with written notification of expected pesticide use on school sites. The El Dorado Union High School District intends to use the pesticides listed below at our schools this year on the scheduled dates listed at the bottom of this page. Also, log on to the Internet address <http://www.cdpr.ca.gov> for further information on pesticides and their alternatives.

	<u>Name of Pesticide</u>	<u>Method &amp; Reason for Application</u>	<u>Active Ingredients</u>
1	Monsanto Round up Pro Max	Spray – Weed Control	Glyphosphate, phosphonomethyl
2	Dow Elanco Turflon Ester Dow Vastlan	Spray – Selective Herbicide	Triclopyr Acetic Acid; Butoxy Etyl Ester; Kerosene Triclopyr Choline, Acetic Acid, Choline Salt
3	BEST Dimension 270 G	Granular – Pre-emergent	Dithiopyr
4	Best Turf Supreme Plus Trimec	Granular – Weed and Feed	2,4-Dichlorophenoxyacetic Acid 2-Propionic Acid; Dicamba
5	Green Thumb Flying Insect Killer (15oz. Aerosol)	Spray – Insect Control	Permethrin; d trans-Allethrin
6	Green Thumb Wasp & Hornet Killer (17.5oz Aerosol)	Spray – Insect Control	Permethrin; d-trans Allethrin
7	Green Thumb Ant, Roach & Spider Killer (17oz. Aerosol)	Spray – Insect Control	Permethrin: d-trans Allethrin
8	Green Thumb Foaming Wasp & Hornet Killer (17.5 oz)	Foam Spray – Insect Control	Permethrin; d-trans Allethrin
9	Dimension 2EW	Spray – Pre-emergent and Crab Grass Herbicide	Dithiopyr, S,S'-dimethyl 2 (difluoromethyl) – 4 – (2-methylpropyl) 6 – (trifluoromethyl) 3.5 - pyridinedicarbothioate
10	Reward	Spray – Aquatic herbicide	Diquat dibromide; dihydroipyrido; pyrazinedium dibromide
11	Monterey Remuda	Spray – Post-emergent Weed Control	Glyphosate, N-(phosphonomethyl) glycine; isopropylamine salt
12	NuFarm T-Pac E Pro MEC Quali-Pro T-Nex	Spray – turf growth management	Trinexapac-ethyl
13	Hot Shot Flying Insect Killer	Spray – Insect Control	Permethrin; d trans Allethrin
14	Spectracide Hornet & Wasps Killer (20 oz)	Spray – Insect Control	Prallethrin/Lambda Cyhalothrin
15	Hot Shot Ant & Roach Killer (17.5 oz)	Spray – Insect Control	Permethrin; d trans Allethrin
16	Hot Shot Spider/Scorpion Killer (11 oz)	Spray – Insect Control	Prallethrin/Lambda Cyhalothrin
17	Terro Liquid Ant Baits	Liquid bait station – Insect Control	Sodium Tetraborate Decahydrate
18	Terro Outdoor Ant Killer	Spray – Insect Control	Permethrin, Tetramethrin
19	Monterey Weed Impede	Spray – Pre & Post-emergent	Oryzalin; 3,5 dinitro-N-N-dipropylsulfanilamide
20	Q4Plus	Spray – Selective Herbicide	Dimethylamine salt
21	Monterey Crab-E-Rad Plus	Spray – Herbicide	2,4-Dichlorophenoxyacetic acid, dimethylamine salt; Quinclorac; Dicamba Acid
22	BioSafe Weed Control Concentrate	Spray-Weed Control	Ammonium Nonanote EPA#70299-25
23	Tempo SC Ultra	Spray – Insect Control	B-Cyfluthrin, Cyano, 2,2dimethyl-cyclopropanecarboxylate
24	Sedgehammer	Spray – Selective Herbicide	Halosulfuron-methyl
25	Pendulum AquaCap	Spray-Pre-emergent	Pendimethalin:

In addition, an outside pest control company may be called in on scheduled dates to assist in pesticide application. The following chemicals may be used by the pest control company.

Manufacturer	Name of Pesticide	Method & Reason for Application	Active Ingredients
Bayer	Suspend SC Insecticide	Spray – Insect Control	Deltamethrin
BASF	Termidor SC	Spray – Insect Control	Fipronil
UPI	Tengard SFR	Spray – Termite/Insect Control	Permethrin
Bayer	Maxforce	Gel Bait – Insect Control	Fipronil
BASF	Cy-kick CS	Spray – Insect Control	Cyfluthrin
ENVINCIO	Essentria IC3	Spray – Insect Control	Rosemary, Geraniol, Peppermint Oil

### \*\*\*2023-2024 Pesticide Application Schedule\*\*\*

All sites will be sprayed as needed on the 1<sup>st</sup> and 3<sup>rd</sup> Friday and Saturday of each month. This means that only areas which are in need will be sprayed – not necessarily the entire site. Site staff will post signs identifying the area(s) to be sprayed, the chemical and the active ingredients at least 24 hours in advance and 72 hours after spraying. The actual dates are listed below:

***July 7-8 and 21-22	October 6-7 and 20-21	**January 5-6 and 19-20	April 5-6 and 19-20
August 4-5 and 18-19	November 3-4 and 17-18	February 2-3 and 16-17	May 3-4 and 17-18
September 1-2 and 15-16	**December 1-2 and 15-16	March 1-2 and 15-16	June 7-8 and 21-22

\*\*\* In the event of inclement weather or holiday during the scheduled dates, pesticide application will take place the following Friday and Saturday. **\*\*Additional spray dates have been scheduled during school recesses.** If the inclement weather persists, pesticide application will be postponed until the next scheduled dates. Parents and guardians may request to be notified of any alterations to this schedule at their student's schools site. Beginning July 2021, those listed on this registry will be notified of alterations in the application schedule at least 72 hours prior to application. Refer to 'Request for Notification of Pesticide Application Schedule Changes' form, which follows this notification.

If you have any questions, please contact Daniel Augino, Director of Maintenance and Operations at (530) 622-0140. 6/12/23