



BOARD POLICY

4020

ALCOHOL-FREE AND DRUG-FREE WORKPLACE

The district shall provide a safe and secure environment which encourages and supports staff in their efforts to lead healthy and productive lives. It is the policy of the district to maintain an alcohol-free and drug-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by any school district employee in the workplace. All employees shall abide by this policy as a condition of employment and shall receive a written copy of this statement.

The employee shall notify the employer, within five days of any criminal alcohol or drug statute convictions which he/she receives for a violation occurring in the workplace.

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

The Superintendent or designee shall:

1. Establish and maintain an alcohol and drug-free awareness program to inform employees about
 - a. the dangers of substance abuse;
 - b. the district policy of maintaining an alcohol and drug-free workplace;
 - c. the availability of information and assistance programs;
 - d. the penalties that may be imposed upon employees consuming or determined to be under the influence of alcohol and drug use violations occurring in the workplace.
2. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee, of any conviction for a violation occurring in the workplace.
3. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
4. Make a good faith effort to continue maintaining an alcohol-free and drug-free workplace through implementation of Board policy.

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

Legal References
Education Code
sections 44836, 45123

Government Code:
8350 - 8357 Drug-Free Workplace

Policy Adopted: September 2, 1986
(effective November 30, 1986)
Reviewed August, 2004

**OATH OF ALLEGIANCE FOR SCHOOL
BOARD MEMBERS AND DISTRICT
EMPLOYEES**

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

Confirmed by signing Statement of Acknowledgment

BOARD POLICY

3513.3

**TOBACCO-FREE SCHOOLS/SMOKING
(Including Smokeless Tobacco)**

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

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

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes, electronic hookahs and other vapor-emitting devices with or without nicotine content that may mimic the use of tobacco products. Exceptions may be made for the use or possession of prescription nicotine products.

Policy Adopted: December 6, 1994
Policy Revised: March 18, 2014

COMMUNITY RESOURCES FOR IUSD EMPLOYEES

Members of the IUSD Insurance Plan may call **Blue Shield** at **1-800-837-4481** for information and referrals to alcohol, drug, and mental/family health programs. This is a confidential service paid for by the employee benefit plan. **It enables an employee to get needed help while protecting the person's identity and the nature of the problem. Employees not covered by the IUSD plan: check with your own medical insurance provider to see which support and treatments services may be covered.** Listed below are some referral services and programs where help may be obtained to deal with a variety of problems. Specific information can be obtained directly from the sponsoring agency.

24-HR. HOTLINES

- California Youth Crisis Line**1-800-843-5200
- Crisis Response Unit**1-800-773-8001
(College Hospital, Costa Mesa)
- New Hope**714-639-4673
(Crisis Intervention and referrals)
- National Runaways Switchboard**1-800-621-4000
- Positive Action Center**1-800-337-2966
- Phoenix House**714-953-9373
(Residential Drug Treatment Pgm, Santa Ana)
- New Hope Teen Line** (for adolescents)714-639-8336
- Western Youth Services** (Counseling)714-871-5646
- National Youth Crisis Hotline**1-800-442-4673
- Hoag Memorial Hospital**949-764-5511
(Freedom From Smoking Program)
- Natl. Council on Alcoholism** (Lake Forest)949-770-0847

SUPPORT AGENCIES/ORGANIZATIONS

- 211 Orange County**1-888-600-4357
(Information and referrals)
- California Smokers' Helpline**1-800-662-8887
(one-on-one telephone counseling/self-help mat'ls.)
- Breakaway**714-957-8229
(Substance abuse program)
- For Families** (City of Irvine)949-724-6650
(Counseling, education, referrals)
- Pilgrimage Family Therapy Center**949-460-5320
(Counseling and therapy)
- Straight Talk Clinic** (Cypress)714-828-2000
(Counseling)
- YMCA Community Services**714-665-1342
(Counseling programs)
- Nicotine Anonymous**1-800-642-0666
(12-step method/support group)
- Mission Hospital Reg. Medical Ctr.**949-364-1770
(Freedom From Smoking Program)
- Tobacco Use Prevention Program** 1-866-NEW-LUNG
(Behavior modification, phone counseling, self-help, (639-5864)
free tobacco cessation helpline)

CHILD ABUSE REPORTING REQUIREMENTS

State law requires that every school district employee be familiar with the laws relating to child abuse reporting requirements. Such employees must, prior to commencing employment, sign a statement signifying that they have knowledge of the reporting requirements and will comply with them. (Penal Code 11166.5).

Your employment falls within the statutory category of mandatory reporter. Consequently, please read the Penal Code material below which explains your responsibilities regarding reporting any suspected instances of child abuse and the procedures for doing so.

Section 11166 of the Penal Code requires any mandated reporter, medical practitioner, non-medical practitioner, or employee of a child-protective agency who has knowledge of or observes a child in his or her professional capacity, or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of a child abuse, to report the known or suspected instance of child abuse to a child-protective agency (Irvine Police Department and your District supervisor) immediately, or as soon as practically possible by telephone, and to prepare and send a written report (adopted by the Department of Justice) thereof within thirty-six (36) hours of receiving the information concerning the incident. Such abuse includes: sexual abuse, neglect, willful cruelty, unjustifiable punishment, unlawful corporal punishment, or injury.

Failure to report an incident is a misdemeanor offense.

Confirmed by signing Statement of Knowledge

REQUIREMENT TO "REPORT ABUSE OF A DEPENDENT ADULT"

To comply with the law, it is necessary that all employees of a school district become familiar with the requirements of Section 15630 of the Welfare and Institutions Code. This section mandates that a school district employee shall report any incident of abuse of a dependent adult.

For the purpose of this law, "dependent adult" and "abuse of a dependent adult" are defined as:

"A 'dependent adult' is defined as 'any person residing in this state, between the ages of 18 and 64, who has physical or mental limitations which restrict his or her rights including, but not limited to, persons who have physical and developmental disabilities or whose physical or mental abilities have diminished because of age'."

"'Abuse of a dependent adult' means physical abuse, sexual abuse, neglect, intimidation, cruel punishment, fiduciary abuse, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a care custodian of goods or services which are necessary to avoid physical harm or mental suffering."

AS A CONDITION OF CONTINUED EMPLOYMENT, EMPLOYEES ARE REQUIRED TO SIGN A STATEMENT OF ACKNOWLEDGMENT INDICATING THEIR AWARENESS OF THESE PROVISIONS AND THEIR WILLINGNESS TO COMPLY WITH THEM.

Please read the attached material and retain it in your file for reference.

Confirmed by signing Statement of Knowledge

DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS

April 1992

The statement shall be in the following form:

Section 15639 of the Welfare and Institutions Code requires any care custodian, health practitioner, or employee of an adult protective services agency or a local law enforcement agency who has knowledge of or observes a dependent adult in his or her professional capacity or within the scope of his or her employment who he or she knows has been the victim of physical abuse, or who has injuries under circumstances which are consistent with abuse where the dependent adult's statements indicate, or in the case of a person with developmental disabilities, where his or her statements or other corroborating evidence indicates that abuse has occurred, to report the known or suspected instance of physical abuse to an adult protective service or a local law enforcement agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

"Care custodian" means an administrator or an employee of any of the following public or private facilities:

1. Health facility
2. Clinic
3. Home health agency
4. Educational institution
5. Sheltered workshop
6. Camp
7. Respite facility
8. Resident care institution, including foster homes and group homes
9. Community care facility
10. Adult day care facility, including adult day health care facilities
11. Regional center for persons with developmental disabilities
12. Licensing worker or evaluator
13. Public assistance worker
14. Adult protective services agency
15. Patient's rights advocate
16. Nursing home ombudsman
17. Meal guardian or conservator
18. Skilled nursing facility
19. Intermediate care facility
20. Local law enforcement agency
21. Any other person who provides goods or services necessary to avoid physical harm or mental suffering and who performs duties.

"Health practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, marriage, family and child counselor or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, a person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, or a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family and child counselor trainee, as defined in subdivision (:c:) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family and child counselor intern registered under Section 4980.44 of the Business and Professions Code, a state or county public health employee who treats a dependent adult for any condition, a coroner, or

a religious practitioner who diagnoses, examines, or treats dependent adults.

SECTION 15630 OF THE WELFARE INSTITUTIONS CODE

- a. Any dependent adult care custodian, health practitioner, or employee of a county adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has actual knowledge that a dependent adult has been the victim of physical abuse, or observes a physical injury to a dependent adult under circumstances that are consistent with physical abuse, where the dependent adult's statements, or in the case of persons who have developmental disabilities, their statements or other corroborating evidence, indicate that abuse has occurred, shall report the known or suspected instance of physical abuse to the county adult protective services agency, or a local law enforcement agency immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.
- b. Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency who has knowledge of or reasonably suspects that other types of dependent abuse have been inflicted upon a dependent adult or that his or her emotional well-being is endangered in any other way, may report such known or suspected instance of abuse to an adult protective services agency or local law enforcement agency.
- c. When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of a dependent adult, and when there is agreement among them, the telephone 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.
- d. The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.
- e. An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of dependent adult abuse, every known or suspected instance of dependent adult abuse. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the county welfare department and the agency given responsibility for the investigation of cases of dependent adult abuse every known or suspected instance of abuse of a dependent adult. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

BOARD POLICY**1312.3****UNIFORM COMPLAINT POLICY**

The Board of Education encourages early, informal resolution of complaints at the school site level whenever possible. However, it recognizes that there are occasions when a more formal process is necessary. Thus, in accordance with 5 CCR §4621 the Board of Education adopts this Uniform Complaint Policy.

Applicable Programs and Types of Complaints

- A. The District shall have the primary responsibility to ensure compliance with applicable state and federal laws and regulations. The District shall investigate and seek to resolve, in accordance with our Uniform Complaint Policy, any complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55. These characteristics and/or conditions include race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, immigration status, age, religion, actual or potential parental, family or marital status. The exclusion of any person because of pregnancy or related condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the District or that is funded directly by, or that receives or benefits from any state financial assistance will be subject to the Uniform Complaint Policy.
- B. The District's Uniform Complaint Policy and corresponding administrative regulation shall also be used when addressing complaints alleging failure to comply with state and/or federal laws with respect to after school education and safety, agricultural career technical education, American Indian Education Centers, adult education programs, bilingual education, California Peer Assistance and Review Programs for Teachers, consolidated categorical aid programs, career technical education and technical training programs, child care and development programs, child nutrition programs, compensatory education, Economic Impact Aid, education of students in foster care, students who are homeless, former juvenile court students now enrolled in a school District, and students of military families. The Uniform Complaint Policy shall also include Early Childhood Education program assessments, Every Student Succeeds Act/No Child Left Behind (Titles I-VII), migrant education, student fees, Regional Occupational Centers and Programs, School Safety Plans, special education programs, state preschool, Tobacco-Use Prevention Education, and reasonable accommodations for lactating students (5 CCR§ 4610). Legal requirements related to the implementation of the local control and accountability plan (LCAP) (Education Code 52075), coursework credit for homeless students, assignment of a student in grades 9-12 to a course without educational content, and physical education instructional minutes for students in elementary school shall also fall under the Uniform Complaint Policy.

Complaints related to the sufficiency of textbooks or

instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, and fees, deposits, or other charges related to participation in a curricular or extracurricular activity shall be investigated pursuant to the District's Alternative Uniform Complaint Policy, BP 1312.4 and corresponding administrative regulation, AR 1312.4 (Cal. Educ. Code §35186).

Complaints relating to any other subject matter not otherwise delineated herein, including but not limited to complaints against individual employees should be resolved informally at the relevant school site level or formally by utilization of the District's General Complaint Policy 1312.1, corresponding regulation, AR 1312.1, and corresponding forms.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

Designated Compliance Officer

The Board of Education designates the following Compliance Officer to receive, investigate and prepare a decision with respect to complaints and to ensure the District's compliance with all applicable state and federal laws:

Irvine Unified School District Superintendent
5050 Barranca Parkway, Irvine, CA 92604
Phone: 949-936-5000; Fax: 949-936-5259

The Compliance Officer is authorized to designate his/her duties relating to investigation and preparation of a decision to another District employee on a case by case basis. However, the Compliance Officer shall ensure that the employee who is designated to investigate a complaint and prepare a decision is knowledgeable about the laws, programs or other subject matter for which he/she is designated to investigate. (5 CCR 4621). Designated employees may have access to legal counsel if deemed appropriate and necessary by the Compliance Officer.

Notifications

The Superintendent or his/her designee shall annually provide written notification of the District's Uniform Complaint Policy and Administrative Regulation to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. This notice shall be in English, and if appropriate and necessary pursuant to Cal. Educ. Code §48985, in the student's primary language. The Compliance Officer or his/her designee shall make available copies of the District's Uniform Complaint Policy and Administrative Regulation free of charge. (5 CCR 4622).

The notice shall advise potential complainants that the District is primarily responsible for compliance with federal and state laws and regulations and as such, has adopted a Uniform Complaint Policy and corresponding Administrative Regulation. (5 CCR 4621).

The notice shall also include statements that:

- A. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- B. An unlawful discrimination, harassment, intimidation or bullying on the basis of a protected class complaint must be filed not later than six (6) months from the date the

alleged discrimination, harassment, intimidation or bullying occurs, or six (6) months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

- C. The complainant has a right to appeal the District's decision to the California Department of Education ("CDE") by filing a written appeal within 15 days of receiving the District's decision.
- D. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
- E. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable, including the right to file a complaint of discrimination, harassment, intimidation or bullying on the basis of a protected class with the Office for Civil Rights.

Recognition of Right to Privacy

The Board of Education acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant and/or witnesses confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis. (5 CCR §4630).

Retaliation

The Board of Education prohibits any form of retaliation against any complainant. The Superintendent or designee shall ensure that complainants are protected from retaliation. 5 CCR §4621 (a).

Mediation

The Board of Education recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with AR 1312.3, whenever all parties to a complaint agree to try resolving their problem through mediation, the Compliance Officer or his/her designee shall initiate that process. The Compliance Officer or his/her designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE
 200-262.4 Prohibition of discrimination
 222 Reasonable accommodations; lactating students
 8200-8498 Child care and development programs
 8500-8538 Adult basic education
 18100-18203 School libraries
 32280-32289 School safety plan, uniform complaint procedures
 35186 Williams uniform complaint procedures
 44500-44508 California Peer Assistance and Review Program for Teachers
 48853.48853.5 Foster youth
 48985 Notices in language other than English
 49010-49013 Student fees
 49060-49079 Student records
 49069.5 Rights of parents
 49490-49590 Child nutrition programs
 49701 Interstate Compact on Educational Opportunity for Military Children
 51210 Courses of study grades 1-6
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
 51226-51226.1 Career technical education
 51228.1-51228.3 Course periods without educational content
 52060-52077 Local control and accountability plan, especially:
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52160-52178 Bilingual education plans
 52300-52462 Career technical education
 52500-52616.24 Adult schools
 54000-54029 Economic Impact Aid
 54400-54425 Compensatory education programs
 56000-56865 Special education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process
 GOVERNMENT CODE
 11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act
 HEALTH AND SAFETY CODE
 104420 Tobacco Use Prevention Education
 PENAL CODE
 422.55 Hate crime; definition
 422.6 Interference with constitutional right or privilege
 CODE OF REGULATIONS, TITLE 2
 11023 Harassment and discrimination prevention and correction
 CODE OF REGULATIONS, TITLE 5
 3080 Application of section
 4600-4687 Uniform complaint procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs
 UNITED STATES CODE, TITLE 20
 1221 Application of laws
 1232g Family Education Rights and Privacy Act
 1681-1688 Title IX of the Education Amendments of 1972
 6301-6576 Title I basic programs
 6801-7014 Title III language instruction for limited English proficient and immigrant students
 7101-7184 Safe and Drug-Free Schools and Communities Act
 7201-7283g Title V promoting informed parent choice and innovative programs
 12101-12213 Title II equal opportunity for individuals with disabilities
 UNITED STATES CODE, TITLE 29
 794 Section 504 of Rehabilitation Act of 1973
 UNITED STATES CODE, TITLE 42
 2000d-200e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age discrimination Act of 1975
 CODE OF FEDERAL REGULATIONS, TITLE 34
 99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color, or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
 Sample UCP Board Policies and Procedures
 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
 Dear Colleague Letter: Title IX Coordinators, April 2015
 Dear Colleague Letter: Bullying of Students with Disabilities, 2013
 Dear Colleague Letter: Harassment and Bullying, October 2010
 Revised Sexual Harassment Guidance: Harassment of students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
 Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEBSITES

CSBA: <http://csba.org>
 California Department of Education: <http://cde.ca.gov>
 Family Compliance Office: <http://familypolicy.ed.gov>
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>
 U.S. Department of Justice: <http://www.justice.gov>

Policy Adopted: December 6, 2011
 Policy Revised: June 26, 2012
 Policy Revised: January 12, 2016
 Policy Revised: August 21, 2018
 Policy Revised: September 11, 2018
 Policy Revised: December 11, 2018

Form 1312.3
 Administrative Regulation

<https://iusd.org/about/board-education/board-policies/uniform-complaint-policy>

ADMINISTRATIVE REGULATION

1312.3

UNIFORM COMPLAINT

The following procedures shall be used to address all complaints appropriately brought pursuant to the District's Uniform Complaint Policy, BP 1312.3. The District's Compliance Officer shall maintain a record/log of each complaint and the corresponding District Decision, including all information required for compliance with 5 CCR §4631 and §4633.

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

Step 1: Filing of Complaint

Who:

Any individual, public agency, or organization may file a complaint of alleged noncompliance by the district related to any of the programs or reasons delineated in BP 1312.3. (5

CCR 4630)

Complaints pursuant to the District's Uniform Complaint Policy, with the exception of Local Control Accountability Plan (LCAP) or student fees complaints, may not be anonymous, must be in writing, and must be signed by the complainant. If a complainant makes a verbal complaint to any District administrator or teacher relating to issues described in Board Policy 1312.3, that administrator or teacher must refer the complainant to Board Policy, Administrative Regulation and Form 1312.3 and specifically inform them of their responsibility to reduce the complaint to writing. Complainants who make verbal complaints made to any other District staff members shall be directed to discuss their concerns with the site principal or another appropriate administrator.

A student fees complaint may be filed with the principal of a school, the Superintendent or the Superintendent's designee. A student fees complaint and/or LCAP complaint may be filed anonymously if the complaint provides evidence or information to support an allegation of noncompliance.

Complainants may use Form 1312.3, but are not required to do so. If a complainant states to District staff that he or she is unable to reduce his/her complaint to writing due to conditions including but not limited to disability or illiteracy, District staff shall assist him/her in reducing his/her verbal complaint to writing. (5 CCR 4600) However, if the complainant is capable of, but refuses to or neglects to put his/her complaint in writing, the District is not obligated to conduct an investigation or offer mediation pursuant to the Uniform Complaint Policy and Administrative Regulation.

Written complaints filed with any District staff other than the Compliance Officer must be forwarded to the Compliance Officer immediately, but in no case later than five (5) business* days. The Compliance Officer may then verbally, or in writing, appoint a designee to conduct the investigation and prepare the District's Decision.

Timing:

a. **Unlawful Discrimination**

A complaint brought pursuant to Board Policy 1312.3, Section I, Paragraph A, alleging unlawful discrimination, harassment, intimidation or bullying on the basis of a protected class, as delineated in Board Policy 1312.3, shall be filed with the Compliance Officer no later than six (6) months from the date when the alleged discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. The timeline set forth above may be extended for no more than an additional ninety (90) days, but only upon written request by the Complainant setting forth good cause for the delay, and only upon approval by the District's Superintendent or designee. Any such request received by the District's Superintendent shall be approved or denied within fifteen (15) business days of its receipt. The Superintendent's or designee's decision with respect to an extension is final.

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

b. **Other Complaints Delineated In BP 1312.3**

A complaint brought pursuant to Board Policy 1312.3, Section I, Paragraph B (adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs) shall be filed with the Compliance Officer within six (6) months from the date when the alleged failure to comply or alleged incident occurred. The timeline set forth

above may be extended for no more than an additional ninety (90) days, but only upon written request by the Complainant setting forth good cause for the delay, and only upon approval by the District's Superintendent or designee. Any such request received by the District's Superintendent shall be approved or denied within fifteen (15) business days of its receipt. The Superintendent's decision with respect to an extension is final.

c. **Notice**

If a complaint is untimely filed, the Compliance Officer or his/her designee will notify the Complainant within fifteen (15) business days of receipt of the untimely filing. Such notice will inform the Complainant of his/her right to request, in writing, an extension of the timelines directly from the District's Superintendent.

Step 2: Voluntary Mediation

Within fifteen (15) business days of receiving the complaint, the Compliance Officer or his/her designee may, but is not required to, informally discuss with the complainant the possibility of using mediation. If the complainant 1) agrees to mediation and 2) agrees to make the mediator a party to related confidential information, the Compliance Officer or his/her designee shall make all arrangements for this process, including choosing a mediator. The Compliance Officer or his/her designee shall give at least five (5) business days notice to the Complainant prior to any scheduled mediation.

The mediator may or may not be a District employee; however, in no case shall the Compliance Officer or his/her designee also serve as the mediator.

If the mediation process does not resolve the problem within the parameters of state and federal law, the Compliance Officer or his/her designee shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees, in writing, to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

If the Complainant does not agree to engage in mediation, the Compliance Officer or his/her designee is encouraged to hold an investigative meeting within fifteen (15) business days of the Compliance Officer receiving the complaint. Alternatively, if Complainant and the District do engage in mediation, but it proves unsuccessful, the mediation shall serve as the investigative meeting and the mediator shall share his/her notes of the mediation with the Compliance Officer.

The investigative meeting shall provide an opportunity for the Complainant and/or his/her representative to repeat the complaint orally and provide any additional factual support for his/her allegations, including any relevant documentation not already provided. The Complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A Complainant's refusal to provide the Compliance Officer or his/her designee with documents or other evidence related to the allegations in the complaint; his/her failure or refusal to cooperate in the investigation; or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

Any District employee's refusal to provide the Compliance

Officer or his/her designee with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the Complainant. (5 CCR 4631)

Step 4: District Decision

Unless extended by written agreement of the Complainant, the Compliance Officer or his/her designee shall prepare and send to the Complainant and all other involved parties, the District's Decision, as described below, within sixty (60) calendar days of the Compliance Officer's receipt of the complaint. (5 CCR 4631)

The District's Decision shall be written in English and in the primary language of the Complainant whenever feasible and if requested by Complainant.

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631);
2. The conclusion(s) of law (5 CCR 4631);
3. Disposition of the complaint (5 CCR 4631);
4. Rationale for such disposition (5 CCR 4631);
5. Corrective actions, if any are warranted (5 CCR 4631);
6. Notice of the complainant's right to appeal to the California Department of Education ("CDE") and procedures to be followed for initiating such an appeal within fifteen (15) calendar days of Complainant's receipt of the District's Decision. (5 CCR 4631)
7. For unlawful discrimination, harassment, intimidation or bullying complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

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

The District's Decision shall constitute a final decision, and is not appealable to the Board of Education or any other District administrator. It is appealable only to the California Department of Education, as described below.

UCP Complaint Resolution

If the District finds merit in a complaint regarding:

- Student fees
- Local Control and Accountability Plans (LCAP)
- Education of students in foster care
- Students who are homeless
- Former juvenile court students now enrolled in our school district
- Students in military families
- Reasonable accommodations to a lactating student
- Course periods without educational content (grades nine through twelve)
- Physical education instructional minutes (grades one through eight)

the District shall provide a remedy.

The remedy shall go to the affected student in the case of complaints regarding:

- Course periods without educational content
- Reasonable accommodations to a lactating student
- Education of students in foster care, students who are homeless, former juvenile court students now enrolled in our school district, and students of military families

The remedy shall go to all affected students and parents/guardians in the case of complaints regarding:

- Student fees
- Physical education instructional minutes
- Local Control and Accountability Plans

The District will ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all students, parents and guardians who paid a student fee within one year prior to the filing of the complaint.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the Complainant may appeal in writing to the CDE within fifteen (15) calendar days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's decision, the Compliance Officer or his/her designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint;
2. A copy of the Decision;
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the Decision;
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the Compliance Officer or his/her designee;
5. A report of any action taken to resolve the complaint;
6. A copy of the district's complaint procedures;
7. Other relevant information requested by the CDE.

The CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including cases in which the District has not taken action within 60 (sixty) calendar days of the date the complaint was filed with the District.

Civil Law Remedies

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

*For purposes of Administrative Regulation 1312.3, a "business day" is defined as any day that the District's administrative offices are open.

December 6, 2011
 September 11, 2018
 December 11, 2018

Source URL (modified on 2019-01-14 10:47): <https://iusd.org/about/board-education/board-policies/uniform-complaint-policy/uniform-complaint-policy>

BOARD POLICY 1312.4

ALTERNATIVE UNIFORM COMPLAINT

The Board of Education encourages early, informal resolution of complaints at the school site level whenever possible. However, it recognizes that there are occasions when a more formal process is necessary. Thus, in accordance with California Education Code §35186, the Board of Education adopts this Alternative Uniform Complaint Policy.

Applicable Programs and Types of Complaints

The District shall use this Board Policy and corresponding Administrative Regulation 1312.4 to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682, 4683)

1. Textbooks and instructional materials:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photo-copied sheets from only a portion of a textbook or instructional material to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Definitions:

Teacher vacancy means, a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means, the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than twenty (20) working days after the first day students attend classes for that semester. (5 CCR 4600)

Misassignment means, the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means, structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; or any other emergency conditions the school district determines appropriate. (Education Code 17592.72) (5 CCR 4683)

- b. A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times (example: toilet paper, soap, and paper towels or functional hand dryers).
Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)
- c. A school restroom has not been kept open in accordance with Education Code 3592.5

Open restroom means, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

Notifications

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

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board of Education at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Forms

The Superintendent or designee shall ensure that the District's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the District's Alternative Uniform Complaint form in order to file a complaint. (Education Code 35186)

Public Records

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Legal Reference:
 EDUCATION CODE
 234.1 Prohibition of discrimination, harassment, intimidation, and bullying
 1240 County superintendent of schools, duties
 17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
 33126 School accountability report card
 35186 Williams uniform complaint procedures
 35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

Policy Adopted: February 21, 2005
Revised: December 6, 2011
Revised: September 11, 2018

Administrative Regulation

<https://iusd.org/about/board-education/board-policies/alternative-uniform-complaint-policy>

ADMINISTRATIVE REGULATION

1312.4

ALTERNATIVE UNIFORM COMPLAINT

The following procedures shall be used to address all complaints appropriately brought pursuant to the District's Alternative Uniform Complaint Policy, Board Policy 1312.4.

Filing of Complaint

A complaint alleging any condition(s) specified in Board Policy 1312.4, items 1-3 shall be filed with the principal at the school in which the complaint arises. The principal or his/her designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 business days. (Education Code 35186; 5 CCR 4680) For purposes of Administrative Regulation 1312.4, a "business day" is defined as any day that the District's administrative offices are open.

Such complaints must be filed at the relevant school site. (Education Code 35186) Each school in the District shall have a complaint form available for Alternative Uniform Complaints.

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed thirty (30) business days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within forty-five (45) business days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form and a copy of such report shall be forwarded to the Superintendent, also within the forty-five (45) business day time period. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

In addition, for any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in BP 1312.4, Item #3a, a complainant who is not satisfied with the resolution proffered by the principal (or Superintendent or designee for problems beyond the principal's authority) may file an appeal to the Superintendent of Public Instruction within fifteen (15) calendar days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687).

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

February 21, 2005
September 11, 2018

Source URL (modified on 2018-09-12 23:19): <https://iusd.org/about/board-education/board-policies/alternative-uniform-complaint-policy/alternative-uniform>

BOARD POLICY

3121

ELECTRONIC MAIL, VOICE MAIL & TELEPHONY

Electronic Mail (E-mail), Voice Mail and telephones are provided to members of the staff for educational purposes, and for the purpose of conducting the business of the organization. E-mail may be provided to students for educational purposes only. IUSD encourages the use of e-mail and voice mail services to share information, to improve communication, and to exchange ideas. Occasional, reasonable, personal use is allowable.

While all e-mail and voice mail are considered private and confidential, confidentiality cannot be ensured. Users, therefore, should exercise extreme caution in using e-mail or voice mail to communicate confidential or sensitive matters. Users should be aware that deleted messages and files are rarely gone. As pointed out by others, the privacy of e-mail is somewhere between that of a letter and a postcard. Users should not assume that the author of an e-mail message consents to the forwarding of that message to another person.

E-mail and voice mail should be reviewed only by the person to whom it is addressed and is not to be reviewed by any staff member, including those with sufficient computer system privileges to do so. However, users should also be aware that on occasion, network and computer operations personnel and system administrators may, during the performance of their duties, inadvertently see/hear the contents of e-mail or voice mail messages. Except as required legally or in extreme emergency, they are not permitted to do so intentionally, nor to disclose or otherwise use what they may have seen/heard. Management, however, reserves the right to periodically review for good reason, and/or to monitor employees' use of any electronic system and the right to disclose any information on records to satisfy any law, regulation, or other governmental request. Management also reserves the right to remove any content that it deems in its sole discretion to be unacceptable, undesirable, or in violation of these terms of use, and to terminate the privileges of any user or visitor who misuses or fails to abide by these terms of use.

All employees are expected to conduct themselves with the same integrity and personal demeanor in electronic communications as in face-to-face dealings with one another.

In order to protect privacy rights, when sending e-mail messages, students shall not include information, such as last names, home addresses or telephone numbers that could specifically identify themselves, and no user shall include information that would specifically identify someone else.

During instructional time in any given classroom, the telephone will be set to voice mail only.

Any use perceived to be illegal, harassing, derogatory, inflammatory, offensive or in violation of other IUSD policies, could be the basis for disciplinary action, including restriction of access to the system, up to and including termination of employment.

Unacceptable practices include, but are not limited to:

- abuse of computer resources
- any attempt to break in to, or to disrupt computer or telephone resources at IUSD or other sites
- extreme etiquette violations, including mail or messages that degrade, defame, demean or harass other individuals, or mail or messages that are offensive sexually, racially, or in any other way
- sharing of one's e-mail or voice mail account, or one's access password, or using another's account and/or access password
- use of e-mail or voice mail or district provided phones for commercial or private business purposes
- use of e-mail for advertising or solicitation
- engaging in illegal acts, such as gambling, copyright infringement, etc.
- placing or receiving telephone calls in the classroom during assigned instructional time, except for emergencies

Board Policy Adopted: March 18, 1997
 Revised: October 6, 1998
 Revised: December 14, 1999
 Revised: February 1, 2000

BOARD POLICY

4030

NONDISCRIMINATION IN EMPLOYMENT

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

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 race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, actual or potential parental, family, or marital status, or the exclusion of any person because of pregnancy or related condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

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

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment;
2. Taking of an adverse employment action, 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 individual's work performance or creating an intimidating, hostile, or offensive work environment; and
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code section 12940 or 2 CCR sections 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical

- b. Religious discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement. However, the district shall not accommodate an employee's religious dress practice or religious grooming practice if it requires segregation of the individual from other employees or the public or if it would result in a violation of this policy or any law prohibiting discrimination.
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity.
- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition.

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

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in Administrative Regulation 4030 "Nondiscrimination in Employment."

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

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

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information about components of the district's policies and regulations regarding discrimination, how to recognize harassment, discrimination, or other related conduct, and how to respond appropriately. 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.

The Superintendent or designee shall publicize the district's nondiscrimination policy and the availability of complaint

procedures. The policy and administrative regulation shall be posted in all schools and offices.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

Policy Adopted: October 5, 1986

Policy Revised: August 31, 2004

Policy Revised: January 12, 2016

Policy Revised: March 12, 2019

Administrative Regulation 4030

<https://iusd.org/print/about/board-education/board-policies/nondiscrimination-employment>

ADMINISTRATIVE REGULATION

4030

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

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

Assistant Superintendent, Human Resources
5050 Barranca Parkway, Irvine, CA 92604
(949) 936-5000

Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and regulation by: Referencing them in each application form that is used in employee recruitment
 - a. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - b. Posting them on the district's website
2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods:
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return

- b. Sending the policy via email with an acknowledgment return process
 - c. Posting the policy on the district website
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
3. Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources director, or Superintendent or designee as a topic in the sexual harassment prevention training.
4. 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

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

1. Notice and Receipt of Complaint:

- a. Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, or the district's Coordinator for Nondiscrimination in Employment
- b. A complainant may inform his/her direct supervisor, another supervisor, the Coordinator, or the Superintendent's designee
- c. The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor
- d. 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 or designee, whether or not the complainant files a written complaint
3. The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint

2. Investigation Process:

- a. The Coordinator or designee shall promptly initiate an impartial review of an allegation of discrimination or harassment regardless of whether a written complaint has been filed or whether the written complaint is complete
- b. The Coordinator or designee shall communicate 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 or designee shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation
- c. The Coordinator or designee also shall determine

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

- d. If the Coordinator or designee determines that a detailed fact-finding investigation is necessary, he/she shall promptly begin the investigation. The Coordinator may, with concurrence of the Superintendent, retain an outside investigator to conduct the investigation. 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
- e. The Coordinator or designee shall monitor the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary
- f. When necessary to carry out his/her investigation or to protect employee safety, the Coordinator or designee may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's Risk Manager.

3. Written Report on Findings and Remedial/Corrective Action:

- a. The Coordinator or designee shall conclude the investigation and respond to the complainant in writing of his/her findings. In most instances, the investigation will be concluded and the report of findings prepared within 60 days of receipt of the complaint
- b. The report shall include the decision of the investigator as to whether unlawful discrimination or harassment occurred and the reasons for the decision, and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. Specific disciplinary measures imposed on an employee will not be disclosed in the report. The report, or a summary thereof, shall be presented to the complainant, the person accused, and the Superintendent or designee

4. Appeal to the Governing Board:

- a. The complainant may appeal any findings to the Board within 10 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
- b. Upon receiving an appeal, the Board shall consider the appeal as soon as practicable. The Board may uphold the coordinator or designee's decision without a hearing, may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board, or may take other action as the Board deems appropriate
- c. In an appeal, any complaint against a district employee shall be addressed in closed session in accordance with law. The Board will provide the employee with written notice of the intent to hold a closed session discussion of the complaint and appeal. (Government Code section 54957(b).) The Board shall render its decision within 30 days of hearing the appeal or

deciding not to hear the appeal. Any decision by the Board is final

Other Remedies

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

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

Policy Adopted: August 31, 2004
Policy Revised: March 12, 2019

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BOARD POLICY

4111.1

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Irvine Unified School District to provide employment opportunities, training, compensation, promotion and other conditions of employment without regard to characteristics such as race or ethnicity, color, ancestry, national origin, nationality, ethnic group identification, age, religion, actual or potential parental, family or marital status, or the exclusion of any person because of pregnancy or related condition, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, except where such criteria represent an essential bona fide occupational requirement.

It is the policy of this District to apply nondiscriminatory job-related standards to conditions of employment and maintains such standards at a level consistent with the needs of local students. It is the policy to affirmatively seek out individuals who may not be represented in the District.

The Irvine Unified School District shall comply with the letter and the spirit of state and federal laws prohibiting discrimination in employment.

Complaints involving unequal treatment will be processed in accordance with District policy 4030 - Nondiscrimination in Employment.

Legal Reference:
Education Code
200-261 Prohibition of discrimination
44100-44105 Affirmative action employment
44830.5 Assignment of certificated employees to district; ethnic ratio

Administrative Code, Title 5

Government Code
12920-12921 Nondiscrimination

12940 et seq. Discrimination prohibited; Unlawful practices, generally

Title VII, Civil Rights Act of 1964 as amended
Title IX, 1972, as amended

Policy Adopted: April 25, 1973
Policy Revised: August 24, 1977
Policy Revised: January 21, 1980
Policy Revised: February 19, 1991
Policy Revised: May 18, 2004
Policy Revised: January 12, 2016

Source URL (modified on 2017-07-26 15:21): <https://iUSD.org/about/board-education/board-policies/equal-employment-opportunity>

BOARD POLICY

4121.1

SEXUAL HARASSMENT - EMPLOYEES

The Board of Education is committed to maintaining an employment, educational, and business environment free from harassment, intimidation or insult on the basis of an individual's actual or perceived sex, sexual orientation, gender, gender identity or expression. Positive action will be taken when necessary to eliminate such practices or remedy their effects. Sexual harassment as defined and otherwise prohibited by state and federal statutes, constitutes an unlawful form of sex discrimination in violation of Title IX of the Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964. In addition, sexual harassment constitutes violation of the California Education Code, regulations of the State Board of Education, and District Policy. As such, sexual harassment may constitute just cause for discipline pursuant to applicable Education Code Sections.

It is the policy of the Irvine Unified School District that sexual harassment in the work place is unacceptable and will not be condoned or tolerated.

Definition

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It includes, but is not limited to, circumstances in which:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
3. such conduct has the purpose or effect of unreasonable interference with an employee's work performance or creates an intimidating, hostile or offensive working environment.

Forms of Sexual Harassment

Forms of sexual harassment include, but are not limited to, the following:

1. physical harassment: unnecessary or offensive touching or impeding or blocking movement;
2. visual harassment: derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures; and
3. sexual favors: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Activities such as:

- comments repeatedly emphasizing the sexuality or sexual identity of an individual;
- persistent requests for social-sexual encounters and favors;
- physical contact of a lewd type;
- indecent exposure; and realized sexual encounters

constitute sexual harassment when they are accompanied by one or more of the following terms or conditions:

1. explicit or implicit promises or rewards for cooperation via misuse of institutional authority;
2. explicit or implicit threats of punishment for non-cooperation via misuse of institutional authority;
3. intimidation which creates a hostile or offensive working environment; interferes with an employee's work performance; prevents an employee's enjoyment of employment opportunities; or induces conformance, stress, anxiety, fear, or sickness on the part of the harassed employee.

Resolution Process

Informal Process:

To accommodate the unique nature of sexual harassment complaints, an informal process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of this process are:

1. Employees may submit sexual harassment complaints to their immediate supervisor, the Deputy Superintendent, Human Resources, or the Superintendent of Schools.
2. The Deputy Superintendent, Human Resources, will
 - a. inform the complainant of any rights under any relevant complaint procedure, policy, or collective bargaining agreement;
 - b. authorize the investigation of the complaint and supervise and/or investigate the complaint.

The investigation will include interviews with:

- the complainant
- the alleged harasser, and
- any other persons who reasonably may have relevant knowledge concerning the complaint, such as witnesses and victims of similar conduct.

- c. review factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical or visual aspects of the conduct and the context in which the alleged incidents occurred;
- d. if harassment occurred, take prompt remedial action against the harasser; such action shall be commensurate with the severity of the offense in accordance with any contractual and statutory due process requirements.

Formal Process

Complaints which are not resolved through the above informal procedure may be processed through the formal complaint procedures specified in Board Policy [4030](#).

Legal References Education Code sections 212.5, 230, 231.5
Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments Act of 1972
Meritor Savings Bank v. Vinson 477 U.S. 57 (1986)
Franklin v. Gwinnett County Schools, 112 S.Ct. 1028 (1992)

Policy Adopted: August 25, 1992
Policy Revised: August 7, 1997
Policy Revised: July 13, 2004
Policy Revised: January 12, 2016

For Additional Information

- Contact Director, Human Resources
5050 Barranca Parkway, Irvine, CA 92604
(949) 936-5000
- California Department of Fair Employment and Housing or the Office of Civil Rights.

BOARD POLICY**6163.4****TECHNOLOGICAL RESOURCES
ACCEPTABLE USE POLICY**

IUSD supports access by students and staff to rich information and technological resources, and encourages staff and students to develop the information research and technological skills necessary to use such resources effectively. The District's technological resources include the computer network, web sites, Internet access, e-mail, voice mail, video, and telephone systems. Technological resources are provided for students and staff to collaborate, produce, publish, conduct research, and communicate with others on a local, national, and international level. In return, every IUSD user is expected to use these resources primarily for educational or job-related purposes. Personal activities will be limited and will in no way interfere with the educational/professional time and use for which the resources are intended. All users will act in a responsible, ethical, and legal manner and conform to common etiquette that includes being polite, using appropriate language, and respecting privacy.

The Irvine Unified School District's computer network provides access to electronic resources and to the Internet. Similar to the Library Bill of Rights, the Irvine Unified School District holds that a person's right to access Internet and other technological resources should not be denied or abridged because of origin, age, background or views.

IUSD has taken reasonable steps to ensure that its technological resources are used only for activities that support the curriculum or one's professional role. Users should not expect privacy through e-mail, Internet usage, or created documents. IUSD will monitor individual use of all technological systems as needed. However, total security on such a far reaching system is imperfect and impossible to achieve. Realistically, school computers and other technological resources can be used inappropriately, if one is persistent. Using any IUSD technological system is a privilege that may be revoked at any time for unacceptable conduct. Unacceptable conduct includes the following:

1. Using technological resources for illegal or unethical activities, including plagiarism, copyright or contract violations
2. Using technological resources for financial or commercial gain
3. Using technological resources for advocating for ballot measures or political candidates without Board approval
4. Accessing or exploring on-line locations, materials or on-line games that do not support the curriculum and/or are inappropriate for school-related work
5. Downloading, installing, or executing unlicensed or unauthorized software, including viruses
6. Vandalizing and/or tampering with equipment, programs, files, system performance or other components of the network, including copying, distributing, or modifying copyrighted software
7. Causing congestion on any technological system or interfering with the work of others -- e.g., engaging in chain letters, unapproved chat rooms, or in peer-to-peer networking applications, such as Napster, Gnutella, etc, broadcasting messages to lists or individuals, modifying or deleting files
8. Attempting to infiltrate, or "hack" into any technological system, or interfering with another person's ability to use that system, including password sniffing and/or port

scanning

9. Sending, or receiving materials that are pornographic, obscene, or x-rated
10. Using unauthorized fee-based services on the Internet
11. Intentionally wasting finite resources -- e.g., on-line games, instant messaging
12. Gaining unauthorized access to any technological system
13. Revealing the home address or phone number of another person, or, if a student, revealing one's own home address or phone number
14. Invading or violating the privacy of other individuals and/or their information
15. Using another user's account or user name or allowing another user access to one's own account or user name
16. Sharing one's password either knowingly or carelessly, or failing to conform to IUSD directives for password change and creation
17. Coaching, helping, observing or joining any unauthorized activity on any technological system
18. Using e-mail, as a student, for other than school-related purposes
19. Posting anonymous messages, unapproved web pages, or unlawful or libelous information on the system
20. Encrypting files or restricting files through unauthorized password protection
21. Engaging in sexual harassment or other objectionable activities in public or private messages -- e.g., activities that are abusive, sexually explicit, threatening, demeaning or using objectionable language
22. Falsifying permission, authorization or identification documents.
23. Granting remote or local control of a networked system to a third party.

Violations of the Technological Resources Acceptable Use Policy, or any willful act designed to disrupt any technological system, will result in disciplinary or legal action and may result in a loss of access to the system or various elements of the system.

Parent(s) and guardian(s) are responsible for setting the standards for members of their family. Therefore, we support the right of each family to select or refuse Internet access for their student.

Board Policy 6163.4a Adopted: October 16, 2001

Revised: August 27, 2002

Reference: California Penal Code, Section 502

RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off 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 before, 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, court order or doctor's or counselor's note or similar document.

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, or stalking.
- 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. 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.



NOTICE TO ALL EMPLOYEES

FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993

Pursuant to Title 2, Code of Regulations, Section 7297.9, and the code of Federal Regulations, Part 825, the District is required to inform all employees of their rights under state and federal law with respect to family leave. The existing California law, previously the California Family Rights Act, now conforms to the federal standards. If you have questions regarding your rights under these laws, please contact the Human Resources Office.

The Family and Medical Leave Act of 1993 requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one (1) year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles of the employer's location.

REASONS FOR TAKING LEAVE:

Unpaid leave must be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- for a serious health condition that renders the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. The request for leave may be denied if requirements are not met.

- The employee must provide 30 days advance notice when the leave is foreseeable.
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness-for-duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, employees must be restored to their original positions or to positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

ENFORCEMENT:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring civil action against an employer for violations.

FOR ADDITIONAL INFORMATION:

- Contact the Human Resources office, IUSD.
- Contact the nearest office of the Wage & Hour Division, listed in most telephone directories under U.S. Government, Department of Labor

WORKERS' COMPENSATION BENEFITS

WORKERS' COMPENSATION

California's no fault compensation was passed by the State Legislature to guarantee prompt, automatic benefits to employees who sustain on-the-job injuries or illnesses. With few exceptions, almost every employee, public and private, in the State is protected by Workers' Compensation.

The State of California supervises both the amount of benefits available under Workers' Compensation and the distribution of all payments.

YOUR EMPLOYER'S SELF-FUNDED PROGRAM

Rather than purchase an insurance policy, your employer has elected to self-fund Workers' Compensation liability. This means that medical bills and all other benefits are paid direct from your employer's funds.

Keenan & Associates administers the program to insure that all Workers' Compensation benefits are paid to injured employees in accordance with State Regulations.

Your employer wants you to know that its greatest concern is to see that you receive the best possible medical care and attention available so your recovery is rapid and complete and you can return to your job.

HOW TO CLAIM BENEFITS

Immediately report the injury/illness to your supervisor. You will be instructed to call the District's Company Nurse Hotline to report your work related injury/illness. Follow the instructions from the registered nurse. If medical treatment is required, the registered nurse will refer you to one of the District's industrial medical clinics for treatment. In cases of medical emergencies, immediately call 911.

Prompt reporting is the key. Benefits are automatic but cannot be provided until you notify your employer. Insure your right to benefits by reporting every work related injury/illness, no matter how slight. This way your employer will have a record of the incident in case you require medical treatment for it in the future.

WHAT ARE THE BENEFITS

California's Workers' Compensation guarantees injured employees five kinds of benefits:

- Medical care
- Payment to replace lost wages
- Permanent disability
- Rehabilitation services
- Death benefit to eligible dependents

MEDICAL BENEFITS

Your employer will pay for all necessary doctor bills, hospital costs, x-rays, medications, crutches, etc. to cure and relieve the effects of an injury or illness.

If you require treatment in addition to first aid, you will be referred to a doctor with the MPN, Medical Provider Network, unless you have a pre-designated physician on file. The physician will send bills and reports directly to Keenan & Associates. You should never see a medical bill but, in the event one is sent to you, it should be forwarded to Keenan & Associates.

You are entitled to be treated by your own personal physician if you have notified your employer of the doctor's name and address in writing before the injury or illness. "Personal physician" means your regular physician and surgeon who has previously directed your medical treatment and who retains your medical records and history, and the physician must agree in writing to treat you prior to a worker's compensation injury. A chiropractor or acupuncturist cannot be pre-designated as a "personal physician." Form may be found at the following IUSD intranet location: Business Services / Risk Management and Insurance.

If for any reason you want to change doctors, contact Keenan & Associates for the names of other doctors and specialists. If you desire, you can choose your own doctor within the MPN and within a reasonable geographic area. Let Keenan & Associates know of this change in writing as soon as you make it, so your bills will be promptly paid.

HOW MUCH ARE THE PAYMENTS FOR LOST WAGES?

If you are a permanent employee of the District you are entitled to Ed Code benefits along with Worker's Compensation benefits. This means that you can receive up to 60 working days of salary continuation at full pay. If you are still off work due to your injury after 60 days, you will then receive a combination of Temporary Disability and sick leave not to exceed your full salary. You will receive these payments in the form of your usual paycheck. However Keenan and Associates will be sending you letters advising you of your Temporary Disability rate. This rate is generally two-thirds of your average weekly wage with state mandated minimums and maximums and is non-taxable. However, since the Ed Code provides a higher benefit, you receive your full salary via your paycheck but will only be taxed on the amount over your temporary disability rate. Once your Ed Code benefits are exhausted and you are still off work due to your injury, you will receive Temporary Disability at the rate calculated by Keenan and Associates based on your average weekly wage. This amount will be sent to you via a check from Keenan and Associates until you are no longer off work or until you have reached medical maximum improvement. If you are a temporary employee, you are not eligible for salary continuation and you will receive Temporary Disability checks from Keenan and Associates. Temporary Disability checks are sent out every two weeks.

VOCATIONAL REHABILITATION

If, because of your work injury or illness, you are unable to return to your usual job duties, you may be entitled to vocational rehabilitation benefits. Services may include either modifying your old job, finding another job with your same employer, or training you for a new job.

PERMANENT DISABILITY

Additional payments will be made for a permanent disability such as the amputation of a finger or loss of sight, even though you may be able to return to full employment. The number of permanent disability payments is based on a schedule, set by the State, that takes into account factors such as age, occupation at time of injury or illness and the nature of the permanent disability.

Keenan & Associates, on behalf of your employer, will submit all necessary reports to the Division of Workers' Compensation, State of California, who will make a determination of the nature and extent of permanent disability.

DEATH BENEFITS

In the event of a work related death, eligible dependents will be entitled to benefits as determined by the State of California.

WHAT IF THERE ARE QUESTIONS?

Misunderstandings and even errors sometimes do occur, but most can be cleared up by a telephone call. Should you have any questions whatsoever, do not hesitate to call Keenan & Associates' at (310) 212-3344. You may also contact Stephen Bayne, Director of Risk Management and Insurance at the District Office at (949) 936-5021.

For additional information, telephone the nearest office of the State Division of Workers' Compensation, Office of Benefit Assistance and Enforcement. The nearest office is listed in the State Government Offices pages in the front of the white pages of the telephone book under "Industrial Relations Department." Their help is available free of charge to explain your rights, solve problems and provide other information.

If the problem still cannot be resolved, you may file an "Application for Adjudication" with the Workers' Compensation Appeals Board. That is the State agency responsible for handling disputes. The Appeals Board is a court of law. You can represent yourself, of course, or you may want to hire an attorney. If you do, the fee will be deducted from any benefits awarded by the Appeals Board. If it is necessary to go to the Appeals Board to resolve your claim, be sure to do it within one year from the date of the injury or illness, or one year from the date of your last medical treatment. Waiting longer could mean losing your right to benefits.

IRVINE UNIFIED SCHOOL DISTRICT

**INJURY & ILLNESS
PREVENTION POLICY**

The Irvine Unified School District is committed to safety! We strive to provide a healthy environment for all of our employees, students, and school visitors.

Toward that end, the District works actively to incorporate an Injury and Illness Prevention Program. The intent is to prevent and/or minimize the probability of injuries and illness to staff, students and visitors. We are doing this because we value your well-being. State, federal, and local health and safety codes, standards, and regulations also provide direction with which we must comply. Our governing board and leadership team pledge continued support to this program to ensure it remains a viable method of protecting all employees and site occupants.

The Injury and Illness Prevention policy can be found on the IUSD **intranet** under Business Services / Risk Management and Insurance.

**BLOODBORNE PATHOGEN
INFORMATION**

Title 8, California Code of Regulations, Section 5193 and Title 29, Code of Federal Regulations, Part 1910.1030 requires that all employees participate in a training program to eliminate or minimize occupational exposure to bloodborne pathogens. The information and training is required at the time of initial assignment. Employees new to the district and employees in a new assignment involving increased risk of occupational exposure, must complete a series of required training courses after assuming a new assignment or new employment.

DISTRICT SAFETY MANUAL**INTRODUCTION**

The District attempts to maintain a safe work place for its employees consistent with Federal, State, and local safety codes/regulations. However, this does not guarantee freedom from injury. The most important preventative measure lies in the ability of every employee to perform his/her job in the safest possible manner.

It is important that all employees recognize their obligation to comply with occupational safety and health standards and all rules, regulations, and orders that apply to their own actions and conduct in the performance of their specific job assignments.

The purpose of this pamphlet is to acquaint you with the general safety rules of the District. Every employee is responsible for knowing and following these measures on a daily basis.

TO ALL STAFF MEMBERS

This pamphlet contains some suggestions on how to work safely in your everyday work environment.

THINK
**THERE IS NO
SUBSTITUTE
FOR SAFETY**

Accident prevention is everyone's job. All staff members should study these tips in order to help provide a safer and healthier place to work and study.

Horseplay or other acts which tend to have an adverse influence on the safety of employees and students is prohibited and may result in termination.

Some positions require specialized training. This training will be conducted by the supervisor.

**WHEN AN ACCIDENT OCCURS**

1. Report all work-related injuries or occupational illnesses, no matter how minor they may be, to your supervisor or principal without delay.
2. In situations when there is the possibility of exposure to blood of another person, the persons involved must also complete a Report of Occupational Injury form. (An exposure incident is a specific eye, mouth or other mucous membrane, non-intact skin or parenteral contact with blood or other potentially infectious materials.) Report exposure incidents to your supervisor as soon as possible and before leaving work. Next steps are defined in the IUSD Exposure Control Plan.
3. If necessary, the supervisor/principal/principal's representative will arrange for examination/treatment at an approved medical facility.
4. In the event of a serious injury or accident, the supervisor/principal will **immediately** notify the Director of Risk Management and Insurance or his assistant.

EMERGENCY RESPONSE PROCEDURE

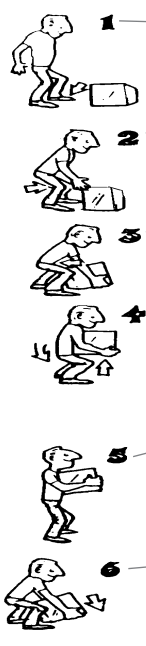
Emergency response and evacuation procedures are important in that they provide information to employees in the event of an emergency. Examples of emergencies could be any one of a number of events such as fire, earthquake, or an event that is created outside of the normal course of business such as a hazardous material spill next to a school. Each school/department has an emergency plan which includes the following:

EXIT

1. In the event of an emergency, employees and students know where the nearest exit is located.
2. Employees and students know the evacuation plan and the designated areas in which to meet following an evacuation.
3. Procedures are in place to deal with search and rescue if necessary.
4. Employees have been trained in the District's Emergency Preparedness Plan procedures.

More information on the District's Emergency Management procedures can be found on the IUSD intranet under Emergency Management.

PROPER LIFTING PROCEDURES

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1. **Get a firm footing.** Keep your feet apart for a stable base; point toes out.
 2. **Bend your knees.** Don't bend at the waist. Keep the principles of leverage in mind at all times. Don't do more work than necessary.
 3. **Tighten stomach muscles.** Abdominal muscles support your spine when you lift, offsetting the force of the load. Train muscle groups to work together.
 4. **Lift with your legs.** Let your powerful leg muscles do the work of lifting, not your weaker back muscles.
 5. **Keep load close.** Don't hold the load away from your body. The closer it is to your spine, the less force it exerts on your back.
 6. **Keep you back upright.** Whether lifting or putting down the load, don't add the weight of your body to the load. Avoid twisting; it can cause injury.

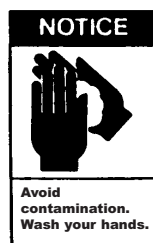
HEALTH PROCEDURES

As employees in a school setting, you may be exposed to communicable diseases. This information on universal precautions is to help you protect yourself against these diseases. Health procedures are precautions used in all situations and not limited to use with individuals known to be carrying a specific virus such as HIV or Hepatitis B virus. In the school setting these precautions should include hand washing, using gloves, careful trash disposal, and using disinfectants.

HAND WASHING: Hand washing is the single most important technique for preventing the spread of infectious disease.

Hand washing must be done:

1. Before drinking, eating, or smoking.
2. Before handling clean equipment or utensils.
3. Before and after assisting with feeding.
4. After assisting with toileting or diapering.
5. After contact with any body secretions.
6. After handling soiled diapers, garments, or equipment.
7. After removing disposable gloves.



Technique for washing:

1. Hand washing facilities should include soap, running water, and paper towels.
2. Wet hands with running water.
3. Apply liquid soap and lather well.
4. Wash hands, using a circular motion and friction for at least 10 seconds. Include front and back surfaces of hands, between fingers and knuckles, around nails, and entire wrist.
5. Rinse hands well under running water.
6. Dry hands well with paper towels, turn off water faucet with paper towel, and discard towel.

USING GLOVES: Latex gloves are to be worn by any staff member who administers first aid or handles the body fluid of another person. Appropriate size gloves should be readily accessible to staff and must be disposed of in accordance with OSHA regulations.

Technique for using gloves:



1. Use a clean pair of gloves for each pupil contact or task.
2. If glove(s) become damaged, stop task, remove damaged glove(s) and replace with new.
3. Remove glove(s) by grasping the cuff and strip it off by turning it inside out.
4. Dispose of blood stained gloves in sealed plastic bag.
5. Wash hands after removing gloves.

TRASH DISPOSAL: Trash cans lined with plastic are recommended for disposal of trash. The trash-filled plastic bag should be tied securely and removed from the trash container. Trash containing blood/blood saturated materials must be double bagged before disposal. Copious amount of blood soaked materials must be placed in red Biohazard bag and disposed of according to OSHA regulations. Contact Health Services for directions.

For disposal of sharp objects, use Biohazard sharps containers that cannot be broken or penetrated. These containers are disposed of by the Health Services Department according to OSHA regulations.

USING DISINFECTANTS: At each school site, appropriate and Environmental Protection Agency (EPA) approved disinfectants are supplied and used. Regular household chlorine bleach diluted 1:10 and mixed daily (or as needed so that the solution is fresh) is an effective disinfectant for destroying the AIDS and Hepatitis B viruses as well as most other disease causing organisms. The custodian or other trained personnel is to be called upon to clean contaminated areas.

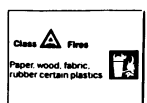


FIRE EXTINGUISHERS USAGE

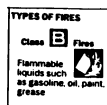
Employees should know where to locate fire extinguishers within their work area. These extinguishers are located in various areas within each building and work location.

In order to use a fire extinguisher effectively, employees should know what type of fire is present as all fire extinguishers will not work on all types of fires. The following guide should enable employees to identify the proper type of fire extinguisher to use:

Class A: This designation is for normal types of fires such as wood, paper, and cotton.



Class B: This designation is for flammable liquids such as gasoline.



Class C: These extinguishers are for electrical fires.



Class D: These are special type extinguishers for flammable metals.

Some extinguishers are designated as multi-type extinguishers such as ABC or BC.

To use a fire extinguisher effectively, you should obtain the proper type of extinguisher, pull the safety pin and aim the nozzle at the base of the fire and squeeze the handle. When doing this, you should spray the contents back and forth until the fire has gone out.

Fire extinguishers are for a small fire only. Don't try to extinguish a large fire. REMEMBER, call 911 for emergency help in dealing with any fire. All fires must be reported to the Fire Department.

GENERAL SAFETY RULES

CLASSROOM SAFETY:

1. Report all work-related injuries or occupational illnesses, no matter how minor they may be, to your supervisor or principal without delay.
2. Never use chairs or desks for climbing or standing. Use ladders only.
3. Report to the principal all broken or cracked glass, including containers and window panes.
4. Wipe up all spills and water accumulations immediately. Remove all debris which could cause slipping or tripping.
5. Keep all storage areas clean, neat, and free of unused materials. All heavy items should be kept on lower shelves. The following should never be stored in classrooms:
 - A. Flammable or other hazardous materials
 - B. Paper cutters
 - C. Laminating machines

HAZARD COMMUNICATION SAFETY RULES



EMPLOYEE RIGHT-TO-KNOW

The District provides information about hazardous materials to all employees who use or who could be exposed to such materials. The data includes information on chemical labeling, material safety data sheets, and employee training on the safe use and handling of materials.



Steps:

1. Know where the written hazard communication program is kept at each site/department for employee access. Read it. The written program clearly outlines the purpose and intent of the hazard communication policy.
2. Use warning labels to identify hazardous materials and the hazards associated with them.
3. Read all labels carefully to determine the recommended safety precautions.
4. Know where the Material Safety Data Sheets (MSDSs) are located. Read and use the MSDSs to understand, determine, and apply the safety precautions, personal protective equipment, and the type of hazards associated with the use and storage of the material.



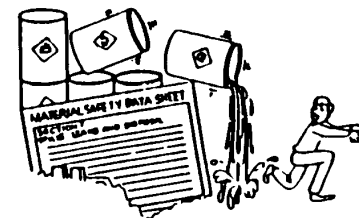
5. Wear all required personal protective equipment when working with hazardous materials.
6. Know how to fit, clean, and store the personal protective equipment.
7. Follow all safe work practices when using or handling hazardous chemicals. If in doubt, ask supervisors for help.
8. Refer to the **Flinn Scientific Chemical Catalog Reference Manual** or the **specific MSDS sheet** distributed to each site principal for further questions regarding specific chemicals.



6. Maintain adequate walkways between desks, work tables, etc.. **Do not block any exits.**
7. Keep cords (electrical, phone, etc.) Out of walkways.
8. Inspect all electrical apparatus in use in each room to ensure good operating condition. Look for frayed cords, broken plugs, exposed wires, and broken or cracked housings. **Do not use extension cords as permanent wiring.**
9. Stay alert for all unusual hazards which could cause injury to students, staff, and visitors. Report them immediately.
10. Science materials, specifically chemicals, should be those purchased by the District. Shelf life dates of chemicals should be disposed of properly. Please refer to the Flinn Scientific Chemical Catalog Reference Manual which has been distributed to each site principal.
11. Employees should use only District-purchased hazardous materials approved for use. The District has all Material Safety Data Sheets (MSDS) on file for each product used. MSDSs are required for any product which contains a hazardous material warning or caution on the label. (Refer to Hazard Communication Safety Rules).

* Specific items **not allowed** in classrooms include:

- Bleach
- Any aerosols (lacquer, paint, etc.)
- Any cleaning products having a warning label regarding hazardous materials or potentially harmful results if used
- Custodial or cleaning supplies
- Art and craft supplies other than District-purchased materials
- Rubber cement
- Insecticides and pesticides



"RIGHT TO KNOW" WORKING WITH CHEMICALS/HAZARDOUS SUBSTANCES

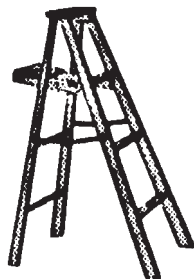
* Some exceptions to the above guidelines may be made by site principals if certain precautions are followed, including:

- All containers must be labeled as to contents

- Manufacturer's MSDS on file in room where product is used or stored, and user is trained on how to interpret information contained in the MSDS
 - Materials are to be used in accordance with manufacturer's guidelines as directed on label
 - Exercise good judgement in the use of these materials
 - Materials are brought on campus only when needed and then removed following use
 - Materials are stored in a locked cabinet or custodian's room when not in use
 - Materials are handled only by adults
 - MATERIALS MUST NOT BE HANDLED BY STUDENTS AT ANY TIME
 - Materials should not be used in classrooms when students are present
12. No insecticides or pesticides of any kind (such as ant spray, ant or roach bait, fly spray, etc.) are to be purchased or used in the classroom. Use of these products will be handled by District maintenance staff who have received specialized training for their use.
 13. Follow proper lifting procedures. (Refer to Proper Lifting Procedures).

OFFICE SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Maintain adequate walkways between desks, work tables, etc..
3. Keep cords (electrical, phone, etc.) out of walkways.
4. Keep file cabinet drawers completely closed when not in use.
5. Do not overload upper file cabinet drawers. Store heavy items in lower drawers.
6. Keep all storage areas clean, neat, and free of trash.
7. Do not overload electrical circuits.
8. Do not use any electrical equipment with frayed cords, exposed wires, or broken or cracked housings.
9. Do not use chairs or desks for climbing or standing. Use ladders only (ladders are available at each site).
10. Never store unnecessary hazardous materials in any office area.
11. Use care in operating electrical office equipment. Follow manufacturers' instructions and precautions.
12. Follow proper lifting procedures. (See Proper Lifting Procedures).
13. Stay alert for all unusual hazards which could cause injury to staff, students, and visitors. Report them immediately.



OTHER SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Wipe up all spills and water accumulations immediately.
3. Store all heavy items on lower shelves. Break down cases to individual units prior to storage whenever possible.
4. Never use chairs for climbing. Only use ladders provided for that purpose.
5. Keep all machinery guards in place whenever in use.
6. Follow proper lifting procedures. (See Proper Lifting Procedures).
7. Wash sharp utensils individually. Never drop them into the dishwasher.
8. Wash glassware and dishes separately. Never stack glassware in the sink. Drain sinks prior to attempting to remove broken glasses or dishes.
9. Never store unnecessary hazardous materials in any food service area. Only use chemicals for which you have been properly trained.
10. Stay alert for all unusual hazards which may expose students, staff, and visitors to injury.



MAINTENANCE, GROUNDS, AND WAREHOUSE SAFETY:

1. Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
2. Wear a face shield or eye goggles whenever engaged in eye hazardous operations (chipping, grinding, trimming, etc.)
3. Wear proper ear plugs while engaged in high noise level operations (mowing lawns, trimming, machinery, etc.).
4. Replace all broken and cracked glass immediately.
5. Wipe up all spills immediately. Remove all accumulations of water from walkways caused by rain, sprinkler systems, etc., by draining, mopping, or sweeping.
6. Do not use any ladders with broken or cracked steps or side rails. Only use ladders with non-skid safety feet.
7. Do not use metal ladders while conducting electrical repairs.
8. Follow proper lifting procedures. (See Proper Lifting Procedures).
9. Only properly trained employees can use pesticides and other hazardous materials. Carefully read all label directions first. Use approved respiratory protection when required.
10. Before using any power equipment, tools, etc., ensure that all belt-drive guards, point-of-operation guards, and all other safety features are in place.
11. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.



DISTRICT VEHICLE SAFETY



- Report all work-related injuries or occupational illnesses no matter how minor they may be, to your supervisor or principal without delay.
 - Do not operate a District vehicle unless authorized by your supervisor/principal. All operators must have a legal operator's permit or license.
- Every vehicle operator must obey all traffic laws. All accidents must be reported. If you are involved in an accident call the Highway Patrol or local police department and do not discuss accident causes other than with immediate supervisor, Highway Patrol, or police.
 - Drive with caution at all times.
 - Seat belts are required at all times while riding in or operating a District vehicle.
 - Vehicles shall not be refueled with the motor running.
 - Refrain from placing articles on the dashboard of the vehicle such as hair brushes, books, personal items, etc.
 - Follow proper lifting procedures. (See Proper Lifting Procedures).
 - Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.
 - Vehicle operators should not talk on cellular phones while driving District vehicles.



REPORTING AN UNSAFE CONDITION OR HAZARD

If you observe an unsafe condition or practice at your work site, you should report it to your supervisor immediately. Forms are available at each school site and department if you wish to report in writing, what appears to you, to be an unsafe condition.



RESPONSIBILITY/DISCIPLINE

It is the responsibility of District Administrators/ Supervisors to interpret and enforce the District's illness and injury policy and safety rules. District employees are to be familiar with District safety and operating rules. Management personnel are committed to enforce all safety rules. Employees who fail to comply with District safety rules may be subject to disciplinary action. Principals/Supervisors will follow normal disciplinary procedures for documented violations.

ASBESTOS MANAGEMENT PLANS (AHERA)

Irvine Unified School District maintains an updated management plan for asbestos-containing materials in school buildings. Records are located in the school site office and the Campus Safety Department and are available for review during business hours. Files may not be removed from school site office. (Code of Federal Records, Title 40, Section 763.93). For questions related to asbestos management plans, please contact Don Grudem at (949) 936-5351.

HEALTHY SCHOOLS ACT

The Healthy Schools Act of 2000 was signed into law in September 2000 and requires that the District provide all parents and employees with an annual written notification of expected pesticide use at their school site or workplace. This notification identifies the product that may be used and its active ingredient(s). Please see the list below for chemicals that may be used in the District. It is also posted on the District website at www.iusd.org.

To find the application dates click on the "A-Z Index" category located on the IUSD main page, then click on "M," then "Maintenance and Operations," then "Healthy Schools Act/IPM Procedures," and choose either the "2019-2020 Grounds Chemical Application Schedule," or the "2019-2020 Custodial Pesticide Schedule."

If you have any questions, please call the IPM coordinator at 949-936-5392.

IUSD 2019-20 Pesticide/Herbicide List

GROUNDS		
Name of Herbicide (Organic)	Active Ingredient(s)	Purpose
Halo (25b exempt)	Eugenol and Clove Oil	Weeds
Preem (25b exempt)	Soybean Oil	Weeds
Avenger	d-Limonene	Weeds
Fiesta	Iron HEDTA	Broadleaf Weeds
Scythe	Pelargoniac Acid	Weeds
Suppress Herbicide	Caprylic Acid	Weeds
Weed Pharm	Acetic Acid	Weeds
Name of Pesticide (Organic)	Active Ingredient(s)	Purpose
WHY Spray (25b exempt)	Lemongrass and Clove Leaf Oil	Wasps and Bees
ProVerde (25b exempt)	Geraniol	General Pests
Eco Via EC (25b exempt)	Thyme Oil, 2-Phenethyl Propionate	Organic Pests
Name of Pesticide	Active Ingredient(s)	Purpose
Gopher X	Carbon Monoxide	Gophers
Grandevo PTO	Chromobacterium	Organic Pests
M-Pede	Potassium Salts of Fatty Acids	Organic Pests
Neemix	Azadirachtin	Organic Pests
CUSTODIAL		
Name of Pesticide (Organic)	Active Ingredient(s)	Purpose
Essentria IC-3 (25b exempt)	Rosemary Oil, Geraniol, Peppermint Oil	General Pests
Naturecide (25b exempt)	Cedarwood Oil, Cinnamon Oil	General Pests
Eco Via EC (25b exempt)	Thyme Oil, 2-Phenethyl Propionate	General Pests
ProVerde (25b exempt)	Geraniol	General Pests
Name of Pesticide	Active Ingredient(s)	Purpose
Advion Bait Station	Indoxacarb	Ants/Roaches
MaxForce Bait Station	Fipronil	Ants/Roaches
Genrol IGR Concentrate	Hydropene	Roaches
Precor IGR Concentrate	Methoprene	Fleas
XT-2000 (Orange Oil Plus)	d-Limonene	Termites, Carpenter Ants
Altriset	Chlorantraniliprole	Termites
Phantom	Chlorfenapyr	Termites, Ants Roaches
Alpine Dust	Dinotefuran	General Pests
Vikane	Sulfuryl Flouride	Termites
Termidore	SC Fipronil	Termites
Fastrac	400 Bromethalin	Rodents
Contac	Bromadiolone	Rodents