



HANDBOOK  
FOR  
CLASSIFIED PERSONNEL  
2003-2004

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# **SECTION I**

**THE LEMON GROVE SCHOOL DISTRICT**

## Introduction

You are responsible for being familiar with the contents of this handbook. We hope you will find this handbook a useful tool as a quick reference guide in seeking answers to employment questions you may have. Employees are encouraged to keep informed on matters of rules and policies. The best way to keep informed includes reading bulletins published by the District and the agendas and minutes of the Board of Education.

This handbook is based upon federal and state law, Board policies, District rules and regulations, or agreements with employee organizations. It summarizes those resource documents – it does not amend or replace them. Procedures, information, or directives for employment contained in this handbook may be modified by subsequent changes in law or contractual agreements with employee organizations. Information contained in the employee organization contract, Board Policy, or law supersedes that contained in this handbook.

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**LEMON GROVE SCHOOL DISTRICT**  
8025 Lincoln Street  
Lemon Grove, CA 91945



**Our Students Come First**

## **MISSION STATEMENT OF THE LEMON GROVE SCHOOL DISTRICT**

The Lemon Grove School District engages and supports all students in achieving high academic standards in a safe, innovative, and challenging environment that ignites a passion for learning.

# Lemon Grove School District

## 2003-2004 District Goals & Objectives

It is the goal of the District that. . .

<b>Goal 1: Every child</b> reaches his or her optimum achievement level.
--

- ❖ Close the achievement gap by ensuring that all students, regardless of race or language proficiency, meet grade level standards.
- ❖ Use the principles of Collaborative Action Research on Equity (CARE) to close the achievement gap (Year III focus on Equity).
- ❖ Improve the quality of student writing through assessment, instruction, and integration into all content areas.
- ❖ Accelerate the amount of staff development supporting the implementation of an inquiry-based science program.
- ❖ Refine and strengthen the implementation of specific instructional delivery models for th Gifted and Talented Education Program.
- ❖ Expand visual and performing arts instruction funded through grants and partnerships in collaboration with other agencies.
- ❖ Strengthen the instructional services provided to English Language Learners at all schools.
- ❖ Design and pilot a middle school standards-based report card.
- ❖ Strengthen students' cursive handwriting skills in the fourth through eighth grades.
- ❖ Strengthen the early intervention programs as successful alternatives to the placement of students in Special Education programs and services.

<b>Goal 2: Every child</b> incorporates technology in problem solving, communicating, and extending his or her learning.
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- ❖ Increase the number of classrooms using web-based resources and classroom Intrnet sites that are accessible from home or school.
- ❖ Provide instruction for third and fourth grade students in touch-typing skills including 30 minutes of keyboarding practice once per week.
- ❖ Increase the use of online resources and instructional programs to reinforce student learning and integrate technology into the mastery of the academic content standards.
- ❖ Increase family participation in Project LemonLINK's Home connection of a fee-for-service basis.
- ❖ Complete the implementation of the Instructional Data management System (IDMS) and monitor its use in the classrooms to manage multiple measure, disaggregate and analyze

student performance by race, socioeconomic level, language proficiency, and program participation, and to align instruction to state standards.

- ❖ Replicate the LemonLINK model in other San Diego county school districts in partnership with Cox Communications, the Classroom of the Future foundation, and the San Diego Foundation.
- ❖ Complete the implementation of the new Apple *PowerSchool* student information system at Golden Avenue, Mt. Vernon, Monterey Heights, San Miguel, Vista La Mesa, and Palm Middle Schools.

**Goal 3: Every child is physically, emotionally, and socially healthy.**

- ❖ Empower parents of color by collaborating with community organizations such as the Parent Institute for Quality Education, Center for Parent Involvement in Education (CPIE), Excelencia y Justicia en Educación (EJE), and other groups supporting parent education and children's learning.
- ❖ Strengthen instruction for students and parents on the relationship between physical fitness, nutrition, obesity, and learning.

**Goal 4: Every child attends schools that are safe, well maintained, and meet standards for the 21<sup>st</sup> Century.**

- ❖ Modernize Mount Vernon, Monterey Heights, and Palm Middle Schools.
- ❖ Identify alternative energy sources for upgrading systems and reducing energy costs.

# **SECTION II**

## **YOUR APPOINTMENT**

## **Citizenship**

Citizenship is not a requirement of employment with the Lemon Grove School District. However, the District may only hire individuals who have the legal right to work in the United States. When an offer of employment is made, the candidate must submit certain documents to the Human Resources Office to verify his/her lawful right to work in this country. This applied to all employees, citizens and non-citizens, including student aides and substitutes.

## **Criminal History Investigation/Fingerprinting**

All new classified non-credentialed employees will be subject to a criminal record check. Employees will be given a referral form to an appropriate agency for fingerprint processing. Fingerprint clearance must be received by the District prior to the effective date of hire.

## **Physical Examination**

Offers of employment are contingent upon successful completion of a physical examination (including drug and alcohol testing.) The costs associated with the physical examination are paid by the District.

## **Tuberculosis Examination**

### **PRE-EMPLOYMENT**

**No person shall be employed initially unless he/she has submitted to a tuberculosis examination within the past sixty days to determine whether he/she is free from active tuberculosis.** The tuberculosis examination shall consist of an approved intradermal tuberculin test. An x-ray of the lungs shall only be required if the intradermal test is positive.

Each employee shall place on file with the District a certificate from the examining physician showing that the employee is free from active tuberculosis. Persons who have not complied with provisions of this policy shall not be allowed to work in any school district.

Persons transferring from another district shall fulfill the requirements of this policy by either; a) producing a certificate showing that the employee was examined within the last four years and found free of active tuberculosis, b) by having the last employing school verify that a current certificate is on file, or c) undergoing the tuberculosis examination.

The Governing Board shall follow provisions of Education Code 49406 (g) in those cases where an employee's religious belief prevents them from undergoing a physical examination.

**The cost to obtain a tuberculosis examination for pre-employment purposes shall be the financial responsibility of the employee.**

### **POST EMPLOYMENT**

If the Superintendent or designee has probable cause to suspect that an employee has an infectious, contagious or communicable disease, or an illness or ailment which would directly affect the health and welfare of students, he/she shall have the authority to require a medical examination administered by a physician licensed under the Business and Professions Code. The cost of such examination shall be at the expense of the District. (Education Code 44839, 45122, Code of Regulations, Title 5 Section 5504)

## Licenses, Required Certificates

First Aid and CPR Certificates are required for certain Classified Services positions; i.e. Health Clerks. Employees who do not possess the certificate at the time of employment have thirty (30) days from the date of hire to obtain the certificates, and must submit copies to the Human Resources Office and their assigned work sites.

Certain positions require a current and appropriate driver's license. See section VI for details.

## **REQUESTING A SUBSTITUTE**

### **Illness/Personal Necessity/ Other Absences**

Employees may report absences at any time outside of school hours up until **5:30 a.m.** through the automated calling system (619-668-4105) or through the internet using WebCenter. Should an emergency arise after 5:30 a.m., employees should first phone in the absence through the automated calling system (619-668-4105) or through the internet using Web Center and then also contact either their principal or their school office.

### **Instructions for Using the Automated Substitute Calling System**

System Phone Number **619 - 6 6 8 - 4 1 0 5**

Help Desk Phone Number **619 - 8 2 5 - 5 7 1 3**

Write your PIN number here: \_\_\_\_\_

#### **TO ENTER AN ABSENCE:**

1. Call the System Phone Number, enter your **PIN** when prompted, then **PRESS 1 to ENTER AN ABSENCE.**
2. **PRESS 1** for a ONE-DAY absence for the **CURRENT** day, OR **PRESS 5** for a ONE-DAY absence for the **NEXT** work day, OR **PRESS 7** to **ENTER THE DATES AND TIMES.**
3. **IF YOU PRESSED 1 OR 5 to enter a one-day absence . . .**
  - They System says your normal **START** and **END** times.
    - PRESS 1** to use those times for the absence, **THEN SKIP TO Step 4, OR**
    - PRESS 5** to manually enter the **START** and **END** times, then listen as the System reads your regular **START** time.
      - If the absence **STARTS** at the time offered, **PRESS** the **STAR KEY OR,**
      - If the absence **Starts** at another time, enter 2 digits for hour and 2 digits for minute (**EXAMPLE: Enter 8:05 as 0805**). If the System asks you to do so, **PRESS 3** if the time is **AM**, or **7** if **PM.**

Repeat this procedure to enter the **END** time, **THEN SKIP TO Step 4.**

#### **IF YOU PRESSED 7 to enter the all dates and times . . .**

- 3a. Enter the **DATE THE ABSENCE STARTS>**

PRESS the **STAR KEY** to accept the date offered, OR  
Enter 2 digits for the month and 2 digits for the date (EXAMPLE: Enter March 4<sup>th</sup> as 0304).

- 3b. Enter the *TIME THE ABSENCE STARTS*.  
PRESS the **STAR KEY** to accept the time offered, OR  
Enter 2 digits for the hour and 2 digits for the minute (EXAMPLE: Enter 8:05 as 0805). Then (only if the System asks you to do so) **PRESS 3** if the time is AM, or **7** if PM.
- 3c. Repeat the procedures in 3a to enter the *DATE THE ABSENCE ENDS*, then the procedures in 3 b to enter the *TIME THE ABSENCE ENDS*.
4. Enter the number which corresponds to the *REASON FOR ABSENCE* (see list at end of Instructions), then PRESS the **STAR KEY**. NOTE: To hear a list of absence reasons, PRESS the STAR KEY by itself.
5. **PRESS 1** to *RECORD SPECIAL INSTRUCTIONS* that will be read when offering the Job to Substitutes, OR **PRESS 5** to *BYPASS THIS STEP*
6. **PRESS 1** if a *SUBSTITUTE IS REQUIRED* for this absence, OR  
**PRESS 3** if *NO SUBSTITUTE IS REQUIRED*, then SKIP TO STEP 8.
7. **PRESS 1** to *REQUEST A PARTICULAR SUBSTITUTE*, OR  
**PRESS 3** to *BYPASS THIS STEP*.

IF YOU *REQUEST A PARTICULAR SUBSTITUTE*, enter their **Telephone Number** (not their PIN) and PRESS the **STAR KEY**. **When requested, confirm the Substitute.**

8. **PRESS 1** to *RECEIVE THE JOB NUMBER*. **IMPORTANT** – Wait for the System to say the Job number, which completes entry of the absence!

#### **TO REVIEW OR CANCEL AN ABSENCE, OR MODIFY SPECIAL INSTRUCTIONS:**

1. Call the System Phone Number, enter your PIN when prompted, then **PRESS 5** to *REVIEW OR CANCEL AN ABSENCE*
2. Listen to the absence information the System plays.  
**PRESS 1** to *HEAR THE INFORMATION AGAIN*, OR  
**PRESS 3** to *HEAR ANOTHER ABSENCE*, OR  
**PRESS 5** to *CANCEL THE JOB* the System just played, OR  
**PRESS 6** to *MODIFY SPECIAL INSTRUCTIONS*.

If you select *CANCEL THE JOB*, you must **PRESS 1** to *CONFIRM THE CANCELLATION REQUEST* when asked.

If a substitute was assigned to the absence –

**PRESS 1** if you want the System to call the assigned Substitute and inform them that this Job has been cancelled, OR  
**PRESS 5** If you are certain that the assigned Substitute knows this Job has been cancelled, and you do NOT want the System to call the assigned substitute to inform them of the cancellation.

Once you confirm a request to cancel the Job, you **MUST** wait for the System to say “*Job number XXXXXX has been canceled.*” If you do not

WAIT TO HEAR the System say this, you have no assurance the Job has been canceled, and a Substitute may report for the Job.

IF YOU SELECT *MODIFY SPECIAL INSTRUCTIONS*, the System guides you through the steps of reviewing and replacing (if desired) the voice message of special instructions, in much the same manner as you originally recorded the instructions.

#### TO REVIEW YOUR WORK LOCATION AND JOB DESCRIPTION

1. Call the System Phone Number, enter your PIN when prompted, then **PRESS 7** to *REVIEW YOUR WORK LOCATION AND JOB DESCRIPTION*.

#### **TO REGISTER AS A NEW USER AND RECEIVE YOUR PERSONAL IDENTIFICATION NUMBER (PIN)**

When you register, you will need:

- The System Phone Number (found at the beginning of “Instructions”)
- Your social Security Number (SSN)
- A pen or pencil

1. Call the System Phone Number, then press the STAR KEY when the system asks for your Personal Identification Number.
2. **PRESS 9** when the system says, “If you are calling as a Substitute PRESS 1, otherwise PRESS 9”.
3. When the system asks for your social Security Number, enter your SSN by pressing the telephone keys.  
If the System asks for your SSN *again*, re-enter it carefully. If the system *continues* to ask for your SSN, hang up and call the Help Desk for assistance (668-4113).
4. The System asks you to record your name. Immediately after the tone, say your name clearly . You have only a few seconds, so avoid pauses or long titles. Wait for the System to play back your recorded name.  
If you like the recording, **PRESS 1**.  
If you want to re-record your name, **PRESS 9**.
5. The system reads your WORK LOCATION, then your JOB DESCRIPTION. If you work at more than one location, and/or have more than one Job Description, the System reads all of this information. After hearing this information:  
**PRESS 1** if the information is CORRECT, OR  
**PRESS 3** if the information is NOT CORRECT, OR  
**PRESS 5** to hear the information again.

*NOTE: The System will NOT allow you to correct your location or job description during registration. You may only indicate that the system’s records are incorrect. If the system has incorrect information for you, call the Help Desk (668-4113) AS SOON AS YOU FINISH REGISTERING, and have them correct the information!*

6. The system tells you your PIN. Write your PIN in the space provided at the beginning on the “Instructions”. **PRESS 9** to review your PIN. When you are sure that your PIN is written correctly, **PRESS 1**.

*Your registration is now COMPLETE.  
You may use your new PIN immediately.*

**TO REVIEW YOUR *PIN* OR CHANGE THE RECORDING OF YOUR NAME AFTER YOU HAVE REGISTERED**

1. Follow steps 1 through 3 in the previous instructions as if you were registering as a new user.
2. **PRESS 1** to *HEAR YOUR PIN*, OR  
**PRESS 3** to *CHANGE THE RECORDING OF YOUR NAME*.

IF YOU SELECT *HEAR YOUR PIN*, the System tells you your PIN. Write your PIN in the space provided at the beginning of the “Instructions”.

IF YOU SELECT *CHANGE THE RECORDING OF YOUR NAME*, the System asks you to record your name. Immediately after the tone, say your name clearly. You have only a few seconds, so avoid pauses or long titles. Wait for the system to play back your recorded name.

If you like the recording, **PRESS 1**, and the new recording will be made available for immediate use, OR

If you want to re—record your name, **PRESS 9**.

**THE SYSTEM CALLS SUBSTITUTES DURING THESE TIMES:**

	Today's Jobs	Future Jobs
<b>Weekdays</b>	5:00 am	4:00 – 10:00 pm
<b>Saturday</b>	None	None
<b>Sunday</b>	None	5:00 – 10:00 pm
<b>Holidays</b>	None	None

**ABSENCE REASONS**

- |  |  |
|--|--|
| 21. Sick Leave                               | 39. IEP Meetings                         |
| 22. Personal Necessity                       | 40. Student Study Team Meetings          |
| 23. Certificated Personal Leave              | 41. Interviews                           |
| 24. Sick Leave Family Member                 | 42. BTSA Training                        |
| 25. District Funded Professional Development | 43. BTSA Observations                    |
| 26. District Funded Inservice                | 44. PAR                                  |
| 27. Site Funded Professional Development     | 45. National Board Teacher Certification |
| 28. Site Funded Inservice                    | 46. Industrial Accident Leave            |
| 29. Prep Period Sub                          | 47. Approved Leave of Absence w/o Pay    |
| 30. Classified Working Out of Class          | 48. Family Medical Care Leave            |
| 31. Vacation/Annual Leave                    | 49. Military Leave                       |
| 32. 6 <sup>th</sup> Grade Camp               | 50. Comp Time                            |
| 33. Negotiations                             | 51. Designated Site Lead                 |
| 34. Association Release Time                 | 52. Parent Conference                    |
| 35. Judicial Leave                           | 53. Administrative Leave with Pay        |
| 36. Bereavement                              | 54. Cedar fire Emergency Leave           |
| 37. District Curriculum & Assessment         | 55. Performing Arts Performances         |
| 38. Site Curriculum & Assessment             |  |

\*requires 7 digit budget code

WebCenter  
EMPLOYEE'S REFERENCE SHEET  
LEMON GROVE SCHOOL DISTRICT

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<http://www.lgsd.k12.ca.us/lgsd/login.asp>

**Go to: Automated Attendance System**

**User ID:**        \_\_\_\_\_

**PIN:**                \_\_\_\_\_

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**Log on:** Open your Internet Browser and access the WebCenter site. Login information includes two identifiers that must be entered. Your User ID is your Social Security Number without dashes. You must initially register by phone to receive a PIN number. When you have entered info in both fields, press the **LogOn** button.

**Log off:** To end the session and disconnect from WebCenter, press the **LogOff** link.

**Printing:** You can print any of the screens you are currently viewing by using your browser's print icon.

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Press the <b>Create Absences</b> tab to enter an absence.
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Select the **Location, Classification, and Reason** that applies to this absence from the drop down menus.

Select the Month/Day/Year for the **Start** and **End** Dates for your absence.

If this is a multiple day recurring absence, remove the checkmark(s) from the **Work Days** boxes that **do not** apply to this absence.

Indicate if a substitute is required for this absence.

To request a particular substitute, enter the Substitute's ID number. This is the same as their home phone number without the dashes.

Indicate if the requested substitute has agreed to accept the job. If **Yes** is selected, the substitute will not be called.

Press the **Submit** button when you have completed the form to validate the information. Errors will be displayed in red below the tabs. When the data is corrected, press the **Submit** button again.

The confirmation screen allows you to verify that the information is correct before the job is created.

Press the **Create Job** button to create the job and receive the job number *OR* press the **Cancel** button to return to the **Absence Creation** form without creating the absence.

If the absence has been successfully entered, a message will be displayed to indicate this along with the Job Number.

Press the **Continue** button to return to the **Create Absence** tab.

Press the **Review Absences** tab to:

- ◆ Review past, present and future absences
- ◆ Cancel an absence

Select the date range for your search by pressing the down arrows for Month/Day/Year and press the **Search** button *OR* press the **Search All** button to get a list of all of your absences.

Use the **Next** and **Previous** buttons to navigate through the records on the list.

Press the **Details** link to see the cancellation confirmation screen.

Place a checkmark in the box if a substitute has been assigned to this absence and you want the system to notify the substitute and notify them of the cancellation.

To confirm that you do want to cancel the absence, press the **Cancel Job** button.

You have **not** cancelled the absence until you press the **Cancel Job** button. A successful action will display to confirm the cancellation.

# **SECTION III**

## **YOUR EMPLOYMENT**

## **THE CLASSIFIED EMPLOYEE**

You are part of the employee group called the “classified employee”. Most positions not requiring teaching or related credentials are termed “classified”.

Such positions are called “classified” because they are grouped according to the type of job duties and level of responsibility in order to establish job families and levels. Classified employees work in such diverse jobs as secretary, custodian, health clerk, media specialist, maintenance technician, food service assistant, instructional assistant, bus driver, groundskeepers, and clerks.

## **CATEGORIES OF EMPLOYMENT**

There are several categories of employment in the District and it is important that you understand in which category your position falls.

### **Permanent Employee**

A permanent employee is an employee who has completed his/her probationary period of six (6) months.

### **Probationary Employee**

A probationary employee is an employee who is serving a probationary period and can be released without cause during the first six (6) months if his/her continued employment is not in the best interest of the District.

### **Short Term Employee**

A short-term employee is an employee employed temporarily to perform service for the District, upon the completion of which the services required will not be extended or needed on a continuing basis.

### **Substitute Employee**

A substitute employee is employed to replace any classified employee who is temporarily absent from duty. If the District is engaged in a procedure to hire a regular employee to fill a vacancy, a substitute employee may be used to fill that vacancy for not more than sixty (60) days.

## **THE COLLECTIVE BARGAINING PROCESS**

Beginning in 1976, with the passage of the “Rhodda Act”, school districts in California were authorized to bargain collectively with employee groups over wages, hours and certain other “terms and conditions of employment.”

Most regular classified employees, except classified managers and what are termed “confidential employees” are part of what is called the “bargaining unit.” Employees in the bargaining unit are represented by an exclusive representative: (currently the California School Employees’ Association) in the negotiations process.

Classified employees shall be required, as a condition of continued employment, either to join the recognized employee organization or pay the organization a fair share service fee. the amount of membership dues or service fees deducted shall be in accordance with the CSEA membership dues and service fee schedules and shall be deducted by the employer from the wages or salary of the employee and paid to the employer organization.

The District shall not be obligated to put into effect any new or changed deduction until the pay period commencing fifteen (15) days or more after such submission.

## **THE CONTRACT**

Employees in the bargaining unit are covered by a collective bargaining agreement or “contract” between the District and the Association. The items covered in the contract represent a binding agreement between the parties on certain terms and conditions of employment and must be followed by employees and managers until it is replaced or revised. You should read and become familiar with the current agreement, as it covers many important aspects of your employment.

Coverage includes such areas as:

Hours and overtime  
Evaluation  
Salary  
Health and welfare benefits  
Leaves of absence

And many others.

## **THE ANNUAL PERFORMANCE EVALUATION**

Evaluation of staff is one of the District’s most important responsibilities. Probationary employees receive the first performance evaluation at the end of the five months. During your probationary period, your employment will be at-will and you can be released without cause. An annual performance evaluation is done each year thereafter on or before May.

You can also begin to assess you own performance by asking yourself questions such as the following:

1. Have I done sufficient follow through to ensure that I have done a complete job?
2. Am I a “team player” who follows departmental rules and policies and helps my co-workers when my own workload permits it?
3. Where can I gain the necessary skills/information to improve my performance? Have I identified what those “necessary skills” are?
4. Are there other tasks my supervisor would like me to learn to perform beyond what I’m now doing?

## **EMPLOYEE CONDUCT & DISCIPLINARY ACTION**

The District has a responsibility to assure that orderly personnel administration always includes the establishment of rules and policies for personal behavior and for conducting school business. Employees who fail to abide by the established policies and procedures will be subject to corrective discipline up to and including discharge.

Because Lemon Grove School District is a public employer, all individuals working in this District hold a public trust. Therefore, employees should avoid placing themselves in situations where they appear to be using a District position for personal gain. All employees are also

expected to treat the public, children and adults alike, with “courtesy and care,” thereby reflecting our District commitment to the community.

## **TRANSFER AND PROMOTION**

It is the philosophy of the District that it is in the best interest of the District, its employees, and the student population to recruit, retain, and promote the best-qualified employees available.

## **LAYOFF**

Sometimes, due to program or funding changes, it is necessary to lay off or reduce the hours of classified employees. If you are laid off (or have your hours reduced) you will receive at least 30 days notice. In some cases, you may be eligible to “bump” another employee, take a reduction in hours, or be placed in a vacant position in lieu of layoff.

However, if you are laid off, your name will be placed on a “re-employment list” for 39 months. You are eligible to be re-employed during that period, in order of your seniority, as positions in your former job category become available. You are also eligible to apply for any positions for which you qualify during these 39 months. Finally, you may also file for unemployment insurance, although the California Employment Development Department staff will determine your eligibility. The Human Resources Office will assist you in identifying your options and rights if you are ever in the unfortunate situation of being subject to layoff.

## **RELEASE OF HOME ADDRESS**

Under the requirements of the Public Employees Relations Board (PERB), the District shall provide the exclusive bargaining unit representative “upon request” the home addresses of employees in the bargaining unit, California School Employees Association, Lemon Grove Chapter 280.

## **PERSONNEL FILE**

Every employee has a personnel file maintained in the Human Resources Office. This file contains pre-employment information, authorization for work, performance evaluations, and other information related to your employment. However, nothing is placed in your personnel file that you are not aware of, and, in most cases you receive a copy of each item placed in your file.

You are permitted to inspect materials in your personnel file upon making appropriate request to the Human Resources Director. Confidential materials submitted in the application process are not available for review.

Changes in your name, address, or telephone number must be promptly reported to the Human Resources Office.

## **PAYDAY**

Regular employees of the Lemon Grove School District are currently paid for the entire month on the last working day of the month. Effective 7/01/02, non-regular classified service (substitutes, overtime or extra hours) shall be paid at the end of the month for all days worked the previous month. (i.e., a pay warrant issued on the last working day in October would include all days worked the prior month of September)

Changes in a regular employee's status such as promotions, unpaid leave, or increase/decrease in hours must be received in sufficient time by the Human Resources Office and Payroll to process them before the deadlines set by the San Diego County Office of Education.

Pay warrants will be distributed by supervisors if TB test is current. In certain situations such as leaves or terminations, failure to submit information on a timely basis may result in your pay being delayed, rewritten or cancelled.

### **SPECIAL HANDLING FOR YOUR CHECK**

There may be some occasions when you may wish to have special handling for your check. If you are unable to and wish someone else to pick up your check, or want some other action, please notify District Payroll Office in writing before payday. If you don't authorize such special handling, your check will be held in the office until you pick it up.

### **PAY INCREASES**

You may be curious, as a new employee, "when do I receive a pay increase?" Permanent pay increases include the following:

#### **Step Increases**

Each classified job category has a five-step pay range. Permanent employees who worked 75% of a year are eligible for a step increase each year on July 1 until they reach the top of the pay range.

#### **Longevity**

Employees who have worked a certain number of years for the District are eligible to begin receiving a longevity increase (see the "salary" section of the contract for further information.)

#### **Negotiated Increases**

Annually, the District and the employee association representing classified employees negotiate over salary increases and other matters.

#### **Promotion**

In the event that you are promoted to a higher paying job, you will be placed on a step increment in the range of the promotional or higher classification which will usually correspond to at least a 5% increase if the new job has a higher salary range than your current job.

### **DIRECT DEPOSIT**

Certain payroll options may be available to you, such as automatic deposit of your paycheck into an account. Check with District Payroll Staff for details.

### **RESIGNATION**

You should submit your resignation at least two (2) weeks in advance in order to leave the District in good standing. More notice is optional (and appreciated) to allow for a smooth transition. The resignation should state your name, job title, work site, reason for leaving and effective date and should be submitted to your supervisor or the Human Resources Office.

If you are moving, you should provide a forwarding address in the event money or information is due you, such as your last W-2. You may also need to complete special forms if you wish to withdraw your retirement contribution. However, if you are going to work for another public agency covered by PERS, your funds will remain in your account.

All District property, such as keys, I.D. Badge, equipment, uniforms, etc. must be returned to your supervisor before you leave. Your final pay warrant may be delayed until this requirement is met. It is important to remember that – if you are a permanent employee and you resign in good standing – you have 39 months in which to request “reinstatement” with the District.

## **RETIREMENT**

Retirement is a long-awaited, well-earned pleasure for most employees. In order to ensure that your retirement process goes smoothly, it is recommended that you begin planning for it well in advance.

It is recommended that you contact PERS (forms are available in the Human Resources Office) and/or the Social Security Office for counseling about specific retirement options well before you plan to apply for retirement. PERS also offers workshops on retirement benefits. Booklets can be obtained through the Human Resources Office.

At least six months before your actual retirement date, you should contact the Human Resources Office to obtain the necessary forms. This is important because processing by PERS and Social Security organizations often takes three or four months. You don't want to be without a source of income in your retirement.

With good planning, you should be able to enjoy a productive, and financially secure retirement.

## **RETIREMENT BENEFITS**

There are retirement benefits to which the District and/or the employee contributes. You may be eligible for one or more of these depending upon your hours of employment and your selection of benefits.

## **PERS/FICA**

Regular classified employees who work four (4) hours or more daily at any time during District employment become members of **both** the Public Employees Retirement System (PERS) and the federal Social Security System (FICA.)

Both the employee and the District contribute to these plans, with the District contributing over 16% of each eligible employee's gross annual pay toward the two retirement systems.

## **STATUS CHANGES**

### **Personnel Data**

During your career with the District, you are likely to have one or more “status changes” such as transfers, leaves, promotions, etc. Your personal situation may also change if you move, marry, divorce or have children. It is important that you notify the Human Resources Office as soon as possible to prevent any delays in processing the necessary paperwork which may affect your payroll activity.

Here are some common changes and how to handle them.

<u>Item</u>	<u>Whom You Should Contact</u>
Name Change	Human Resources Office Social Security Office
Change of Address/Phone	Human Resources Office <u>and</u> your supervisor
Emergency Notification	Human Resources Office <u>and</u> your supervisor
Beneficiary Forms (PERS, Payroll, Insurance)	Payroll – Human Resources Office
Add/Delete Insurance	Payroll – Human Resources Office
W-4	Payroll – Human Resources Office

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL

BP 4112.61

Employment References

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The Superintendent or designee shall process all requests for references, letters of recommendation, or employment information (including reasons for separation) pertaining to current or former employees or volunteer staff. The President of the Governing Board or designee shall process requests for such information pertaining to the position of Superintendent.

The Superintendent shall have the discretion of refusing to give a recommendation. If a recommendation is given, it shall include a careful, truthful, and complete account of the employee's job performance and qualifications. Information must be given without malice and only at the request of an employee, former employee, or prospective employer. No employee shall agree to provide a positive letter of recommendation that misrepresents facts as a condition of another employee's resigning or withdrawing action against the District.

Letters of recommendation shall not state facts or matters that the writer does not know of personal knowledge to be true.

Dates of employment, positions held, salary, and termination reasons that are recorded in adopted minutes of the Board shall be provided to requesting parties.

Any employee who provides information or recommendations which are not in accordance with this policy and who represents such information as a district-authorized statement shall be subject to disciplinary action.

An employee who provides information or recommendations outside of this policy shall be deemed as having provided the information as a private citizen as an exercise in free speech.

Legal Reference:

CCR TITLE 5, SECTION 80332

LABOR CODE

1050-1052

CIVIL CODE 47

Randi W v Muroc Joint Unified School District et al. (1994 14 Cal. 4<sup>th</sup> 1066)

Adopted: 5/8/90, 3/11/97, 5/12/98

Revised: 6/27/00

# **SECTION IV**

## **EMPLOYEE RESPONSIBILITIES**

## CHILD ABUSE REPORTING

### WHO SHOULD REPORT:

School teachers, nurses, counselors, social workers, principals, playground assistants, instructional assistants, bus drivers and other designated school personnel are mandated to report known or suspected child abuse cases.

### CHILD ABUSE IS:

- a physical injury that is inflicted by other than accidental means on a child by another person;
- sexual abuse or molestation;
- willful cruelty;
- unjustifiable punishment;
- neglect, including failure to provide food, shelter, or proper hygiene;
- unlawful corporal punishment or injury.

### HOW TO REPORT:

- Complete the suspected Child Abuse "Fax" Report\* and fax to the designated number on the form
- OR
- call CPS hotline 858-560-2191 and submit form SS8572\*

\*Contact site Supervisor for a copy of the forms

### CONFIDENTIALITY:

- Mandated reports are confidential and may be disclosed only among agencies receiving, investigating, and prosecuting.
- Any violation of confidentiality is a misdemeanor punishable by imprisonment in a jail not to exceed six months, by a fine of five hundred dollars (\$500), or by both imprisonment and fine.
- Do not discuss the details and information with your colleagues, except as suggested by District policy.
- A mandated reporter cannot be required to disclose his or her identity to their employer.
- Do not tell the parent about the report, even if you do not suspect that the parent is responsible.
- Deflect parental contact. Parents sometimes guess who was responsible for reporting. Tell the parent that you cannot discuss it.
- If the police or a child protective worker discloses to anyone that you made a report, call their supervisor.

## EXCERPTS FROM THE EDUCATION CODE AND CALIFORNIA PENAL CODE

### Reporting Requirements for School Personnel

1. Reports are now required upon "Reasonable Suspicion" eliminating any inference that "probably cause" is necessary. Reasonable suspicion may be caused by observation but now, also, by "Acquired Knowledge." (Penal Code 11166 A)
2. Persons required to report must now make a telephone report to a child protective agency (sheriff, police, welfare department) **immediately**, or as soon as practicably possible, and must follow up with a written report within 36 clock hours. (Penal Code 11166 A)
3. Persons required to report have immunity from criminal or civil liability. (Penal Code 11171A)
4. Liability will attach when an individual required to report knew or should have known of an instance of child abuse and failed to report. At present, maximum fine for failure to report is \$1,000. (Penal Code 11172B)

### SAFETY

Here at the Lemon Grove School District, we strive to provide a safe working environment for all employees. No employee shall be reprimanded or discriminated against as a result of reporting any condition believed to be a violation of state or federal law or agency regulation. The District provides all safety equipment necessary to permit employees to perform assigned duties safely.

#### **To All Staff Members**

Accident prevention is the responsibility of every Lemon Grove School District employee!

To protect students and other employees, unsafe work conditions shall be reported to the immediate supervisor at each site.

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

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 are prohibited and may result in termination.

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

A Policy Statement was adopted by the Lemon Grove School District Governing Board on March 27, 1979, and amended in 1991:

#### **DISTRICT SAFETY PROGRAM**

In order to identify the causes of loss from employee and student injuries; property damaged by vandalism, theft and fire; and damage and injury through unsafe operation of motor vehicles and other equipment, it is proposed that a District Safety Program be established to provide the means to correct or eliminate the hazards involved, and to establish a safety committee to

enable the District to comply with current federal and state safety and health regulations. The District shall appoint a District Safety Officer who will be charged with the overall responsibility of administering the District Safety Program.

The District Safety Officer shall serve as the Chairperson of the District Safety Committee and will be an ex-officio member of all site safety committees. The District Safety Officer will coordinate the investigation of all personal injury and property loss incidents, will be available to assist site personnel with routine site inspections, will conduct special site inspections as needed, and will be the primary contact between the District and the JPA Risk Management.

Safety subcommittees shall be formed as needed to assist the District Safety Officer in the administration of the Safety Program.

The committee shall have as its goal the highest level of injury and accident prevention attainable.

The objective of the District Safety Program is to minimize the number of injuries and illnesses that occur during any school year.

The District Safety Program shall conform with the practices of the California Occupational Safety and Health Act of 1990 and California Administrative Code Title 8 (SB 198) and shall include:

- a. Identification of one or more people having authority and responsibility for implementing the District Safety Program.
- b. Development of a written safety program and safety rules.
- c. Development of procedures to ensure employee compliance with safety and healthy work practices.
- d. Training all employees in good safety practices.
- e. Establishment of a system to communicate with employees regarding safety and health matters.
- f. Conduction of a program of safety inspections or practices to identify and evaluate work place hazards.
- g. Provision of necessary personal protective equipment and instruction for its use and care, and provision of mechanical and physical safeguards as required.
- h. Prompt and thorough investigation of every job-related/school-related injury or occupational illness to find out what caused it in an attempt to prevent reoccurrence.
- i. Development and utilization of procedures for prompt attention to injuries and medical controls to ensure that no injured employee returns to work unless he/she is fit to perform required duties.
- j. Orientation of new employees on the District Safety Program.
- k. Establishment of a procedure to correct unsafe conditions and practices.

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, regulation, 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.

### **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. The supervisor/principal will complete a "Supervisor's Report of Accident" and give you an "Employee's Claim for Workers' Compensation Benefits." Within 24 hours the forms should be submitted to the Human Resources Director.
3. If necessary, the supervisor/principal will arrange with the Human Resources Director for a doctor's appointment at the Industrial Medical Offices.
4. If the injury is serious, notify your supervisor/principal and the Human Resources Director immediately.

### **Disciplinary Procedures**

Employees who fail to comply with safety rules may be subject to disciplinary actions up to and including termination. Supervisors/principals will follow the normal disciplinary procedures for documented violations.

### **Hazard Communication (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.

Please refer to the separate brochure entitled, "Right to Know - Working with Chemicals/Hazardous Substances" provided to all new employees.

### **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** distributed to each site principal for further questions regarding specific chemicals.

### **Emergency Response**

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:

1. In the event of an emergency, employees and students know where the nearest exit is.
2. Employees and students know the evacuation plan and the designated areas 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.

### **Fire Extinguishers**

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, 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 small fires only. Don't try to extinguish a large fire. REMEMBER, it's always a good idea to call 911 for emergency help in dealing with any fire.

## Resources

The District Safety Committee shall provide the schools and service departments with safety posters, films, pamphlets, accident data, and other aids which may be used as part of the existing inservice program.

Specialized programs such as industrial arts and science labs require special precautions. The District Safety Committee, in conjunction with JPA Risk Management, will provide materials for these programs as needed.

The District Safety Committee will use community resources available. For example, the Lemon Grove Fire Department provides demonstrations in the correct usage of fire extinguishers for specific types of fires that could occur in classroom situations. The Lemon Grove Fire Department conducts annual classroom safety inspections.

## Inservice Training – Classified Employees

Classified employees need to be involved in inservice training sessions primarily devoted to the Safety Program conducted at the school or service department level.

Objectives: To develop the classified employees' ability to:

1. Observe physical hazards or potential hazards within the scope of operations of the respective department and report those hazards to the immediate supervisor.
2. Demonstrate knowledge of hazardous aspects of materials and equipment in common use in the department.
3. Demonstrate an awareness of unsafe practices within the scope of the respective department.
4. Demonstrate safe behavior.

## How Do You Work Safely in Your Everyday Environment?

Tips for departments are included in the following pages. Please review this information.

### Safety Tips for:

- ❖ Classroom
- ❖ Office
- ❖ Food Services
- ❖ Maintenance and Operations
- ❖ Transportation
- ❖ Universal Health Precautions

### General Classroom Safety

1. Report ALL injuries immediately to site administrator.
2. Remove all debris from the floor which could cause slipping or tripping.
3. Keep cords (electrical, phone, etc.) out of walkways.

4. Never use chairs or desks for climbing or standing. Use ladders only. Adult supervision should be provided when students are using ladders. (Ladders are available in each school office.)
5. Report to the principal all broken or cracked glass, including containers and window panes.
6. Store all heavy items on lower shelves.
7. Wipe up all spills and water accumulations immediately.
8. Follow proper lifting procedures (featured later in this section.)
9. Maintain adequate walkways between desks, work tables, etc.
10. Keep all storage areas clean, neat, and free of trash and unused materials.
11. 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.
12. Electrical appliances, such as pencil sharpeners, should not be used by students.
13. Stay alert for all unusual hazards which could cause injury to students, staff, and visitors. Report them immediately.
14. Glass containers should not be used in classrooms (aquariums, flower vases, bottles, containers, etc.) Glass items should be phased out and replaced with plastic, Plexiglas, etc.
15. No kitchen utensils or electrical appliances are to be used except those supplied on the cooking cart.
16. Never store paper cutters in areas where students might be present. Students should not use paper cutters.
17. Never store laminators in areas where students might be present. Students should not use laminators.
18. Science materials, specifically chemicals, should be those purchased by the District. Shelf life dates of chemicals should be reviewed frequently, and out-of-date chemicals should be disposed of properly.
19. 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 has received specialized training for their use.
20. 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. MSDS are required for any product which contains a hazardous material warning or caution on the label.

- Specific items not allowed in classrooms include:
    - Bleach
    - Any aerosols (lacquer, paint, etc.)
    - Any cleaning products which contain a label warning regarding hazardous materials or potentially harmful results if used.
    - Custodial or cleaning supplied
    - Art and craft supplies other than District-purchased materials
    - Rubber cement
    - Ammonia
    - Insecticides and pesticides
  - 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 and implement 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 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.
21. Pet supplies should be used in accordance with the above guidelines.
  22. The District's Injury and Illness Prevention Program, as mandated by SB 198, requires periodic classroom and site inspections for safety hazards and hazardous materials. The purpose of these inspections is to prohibit hazardous materials being brought from home for use in the classroom and to prevent the accumulation of toxic materials that may become unstable if stored for long periods of time. The results of the inspections will be submitted to the principal before being brought to the Safety Committee.
  23. Microwave ovens and refrigerators shall not be used in the classroom unless authorization is received from the Superintendent.

### **General Office Safety**

1. Report ALL injuries immediately to site administrator.
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 (featured later in this section)
13. Stay alert for all unusual hazards which could cause injury to staff, students, and visitors. Report them immediately.

### **Food Services Safety**

1. Report ALL injuries immediately to site administrator.
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 (featured later in this section)
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. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.
10. Never store unnecessary hazardous materials in any food service area. Only use chemicals for which you have been properly trained.

### **Maintenance, Grounds and Publications Safety**

1. Report ALL injuries immediately to site administrator.
2. Wear face shield or eye goggles whenever engaged in eye hazardous operations (chipping, grinding, trimming, etc.)
3. Wear proper ear plugs or muffs 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.
7. Only use ladders with non-skid safety feet.
8. Do not use metal ladders while conducting electrical repairs.
9. Follow proper lifting procedures (featured later in this section)
10. Only properly trained employees can use pesticides and other hazardous materials. Carefully read all label directions first. Use approved respiratory protection when required.
11. Before using any power equipment, tools, etc., ensure that all belt-drive guards, point-of-operation guards, and all other safety features are properly in place.
12. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.

### **Driver Vehicle Safety**

1. Report ALL injuries immediately to site administrator.
2. Do not drive a District vehicle unless authorized by your supervisor/principal. All operators must have a legal operators permit or license.
3. 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, risk manager, Highway Patrol, or police.**
4. Drive with caution at all times.
5. Seat belts are required at all times while riding in or operating a District vehicle.
6. Vehicles shall not be refueled with the motor running.
7. Refrain from placing articles on the dashboard of the vehicle—hair brushes, books, personal items, etc.
8. Follow proper lifting procedures. (featured later in this section)
9. Stay alert for all unusual hazards, in all areas, which may expose students, staff, and visitors to injury.

### **Proper Lifting Procedures**

- Squat from the knees, never bend from the waist.
- Keep spine straight, tuck your chin.
- Keep feet comfortably spread—about shoulder width.

- Keep load close to body.
- Never twist while carrying any load—no matter how light.
- Seek assistance in moving any heavy or bulky item.

#### Site Safety Inspection Guidelines

FLOOR	Any trip hazards Electrical cords exposed in a walkway Water spills Carpet tears Throw rugs Loose or missing floor tiles Non-skid strips where needed
CEILING	Ceiling tiles secure No flammables or decorations touching light fixtures
STORAGE	Boxes stored away from heater No materials blocking doorway or walkway No heavy objects in overhead storage
APPLIANCES	Glass items will be phased out and replaced with plastic or Plexiglas. Use only cooking cart and appliances on it
SCIENCE ARTS & CRAFTS CLASSROOMS TECHNOLOGY EXPLORATION CLASSROOMS	Only District-purchased and approved materials are to be used Containers must be labeled No hazardous materials stored in classrooms Protective eye equipment used Eye wash station in good working order Safety guards on equipment
PLAYGROUND	Equipment in good repair; no splinters or sharp edges Necessary safety lines painted around apparatus Holes in asphalt or grass repaired Appropriate safety equipment available for sports
KILNS	Firing should be done during the school day only Kilns should not be left on after school even when using kiln setters
MISCELLANEOUS	Replace windows with holes and cracks radiating outward Look for sharp corners, other safety hazards which would cause injury Location of fire extinguishers clearly marked Overstuffed furniture” is considered a fire hazard Trip and fall hazards

#### WORKING WITH CHEMICALS/HAZARDOUS SUBSTANCES

Life is not as simple today as it was twenty, thirty or more years ago. Significant changes occur weekly that have a profound effect over the way we live, how we live, what we eat and the air we breathe.

One of the more profound changes that has been occurring since the end of World War II is the rapid spread and use of chemicals and substances which we term hazardous. They are hazardous because they have physical properties such as being flammable, explosive or

unstable; or they produce health effects which might damage the skin, lungs, eyes, etc. Or they may be carcinogenic.

We all use such products both at home and at work. Every time we fill up our lawnmower or automobile with gasoline, we are using a substance that is a physical hazard (flammable), a health hazard, and it's a suspected carcinogenic-causing substance. Everyday chores in which we use bleaches, cleaners, ammonia, and pesticides all involve hazardous substances. We also are exposed at work.

Most of us have little or no difficulty in working safely with these hazardous substances. But to make your work safer, additional information is being provided.

In California, all employees are required to receive training and information regarding hazardous substances they might use or come in contact with in their work. Our District believes it is important for employees to have such information and has, therefore, put together this booklet to inform you of your rights and what you need to know to work safely.

## **EMPLOYEE RIGHTS**

Your rights by law are as follows:

1. You have the right to receive information and training regarding hazardous substances to which you might be exposed.
2. You have the right to a safe workplace.
3. You cannot be discharged or discriminated against in any way for exercising these rights.

Your supervisor is responsible for informing you of the following:

1. The location of and how to obtain the District's written program on hazardous substances.
2. Any operation in your work area where hazardous substances are present.
3. Reviewing with you the contents of Material Safety Data Sheets (MSDS) of substances you work with. This includes new substances or revised MSDS if the new information indicates a significant increase in risk to you.
4. How to observe and detect the presence and/or release of a hazardous substance in the work area.
5. The physical and health hazards of the hazardous substances in your work area and how you can protect yourself from these hazards. Such measures may include work practice, protective equipment or emergency procedures.

Help protect yourself by:

1. Learning about hazardous materials.
2. Going to training sessions, asking questions, and reading labels and MSDSs.
3. Putting what you learn to work by using the right protective clothing and equipment or by taking other precautions.
4. Following safety procedures.
5. Telling your immediate supervisor when you feel those procedures need to be changed or don't provide enough protection.
6. Sharing with your supervisor any physical symptom.

## **MATERIAL SAFETY DATA SHEETS (MSDS)**

The basic source of information about safety and health is found in the Material Safety Data Sheet (MSDS). The purpose of an MSDS is to tell you:

- ◆ The material's physical properties or health effects that make it dangerous to handle.
- ◆ The level of protective gear you need.
- ◆ The first aid treatment to be provided when you are exposed to a hazard.
- ◆ The preplanning needed for safely handling spills, fires, and day-to-day operations.
- ◆ How to respond to accidents.

## **READING AN MSDS**

### **The MSDS Heading**

The heading gives you the name, address, and telephone number of the manufacturer that produced the material, the MSDS's date of issue (or revision), and the name of the material.

### **Section 1. Material Identification**

This section identifies the material and supplier. The MSDS material must match the name on the container. If the material has more than one name, each is listed. The chemical formula may be given. A National Fire Protection Association (NFPA) hazardous rating fire diamond may appear. This gives at-a-glance number ratings for the material's degree of flammability, reactivity, and health hazard.

### **Section 2. Ingredients and Hazards**

Section 2 lists the product's hazardous chemicals and their relative percentage of concentration. If established, each chemical's exposure limits are shown. These data are used to help establish the degree of hazard to man.

### **Section 3. Physical Data**

Physical data include a material's boiling point, solubility in water, viscosity, specific gravity, melting point, evaporation rate, molecular weight, etc., and appearance and odor. They help you predict how the material will act and react so that you can select the correct safety, ventilation, and accident-response equipment.

### **Section 4. Fire and Explosion Data**

Section 4 of the MSDS indicates what protective clothing or respiratory equipment fire fighters should use and what type of extinguishing materials best fight the fire.

### **Section 5. Reactivity Data**

The information found in section 5 varies greatly from one MSDS to another because of the many different ways that materials may react with one another. The information presented should focus on the materials and circumstances that could be most hazardous when combined with the material covered by the MSDS.

## **Section 6. Health Hazard Information**

You can be adversely exposed to a harmful chemical through several routes of entry into your body, including eye contact, skin contact, inhalation, and ingestion (swallowing.) Section 6 of the MSDS must describe all of the routes of entry pertinent to this particular material. Acute (immediate) and chronic (long-term) health effects must be stated. If the material is carcinogenic, that fact must be stated. Medical and first aid treatments for accidental exposure will be described.

## **Section 7. Spill, Leak, and Disposal Procedures**

Safe work practices to follow in the event of an accident with a particular material are described. You will read about methods and procedures for proper handling of spills, leaks, and disposal of wastes.

## **Section 8. Special Protection Information**

Methods for reducing your exposure to a particular hazardous material are described. The methods may include ventilation requirements, breathing apparatus, and protective clothing such as gloves, aprons, and safety glasses. Instructions for the care and disposal of contaminated equipment and clothing are given.

## **Section 9. Special Precautions and Comments**

Safe storage and handling of the material are described in section 9. The types of container labels or markings are described, and particular Department of Transportation (DOT) policies for handling the material are listed.

Whenever a new or revised MSDS is received by the District, your supervisor will review its contents with you within 30 days.

## **LABELS ON CONTAINERS**

Another part of our Hazardous Substance Program involves container labeling. By law, whenever a manufacturer sends or ships a drum, box or other container with a hazardous substance, a label must be on the container and it must contain the following information at a minimum:

1. The name (identity) of the substance (e.g. gasoline, ammonia, etc.)
2. A hazard warning statement (e.g. corrosive, wear rubber gloves and eye protection.)
3. The name and address of the manufacturer or importer.

As substances are transferred from original containers to other containers, labels must be placed on these secondary containers. This label must contain the following information:

1. The name (identity of the substance)
2. A hazard warning statement

These container labels are reminders for you when you use hazardous substances. They are a very shortened version of the MSDS in that they are telling you what you need to do to keep yourself safe.

If you encounter a container without a label, it is your responsibility to notify your supervisor who will make sure that a label is put on the container.

## **SUMMARY**

Labels and MSDSs are your guides to working safely with hazardous substances. By understanding what you are working with, what potential hazards exist from using the substance and how you can protect yourself, you can make your employment safe and rewarding.

We can't avoid using hazardous substances, but we can use them safely. If you have any questions regarding the information in this booklet, talk with your supervisor and get the assistance you need.

We want your employment to be productive and free from injury and illness.

## **EMERGENCY PREPAREDNESS PROCEDURES**

Effective disaster preparedness requires everyone's participation.

### **School Staff**

- ❑ Will insure that the school's primary role in an emergency is to care for the safety and welfare of children for the duration of the school emergency.
- ❑ Will instruct students through regularly scheduled practice drills in emergency procedures for fire, earthquake, bus safety and local disasters.
- ❑ Will keep students in the safest location on the school campus until they can be safely reunited with their families.
- ❑ Will consider relocating to a safer location when occupation of the school becomes unreasonable due to unsafe conditions.
- ❑ Will remain continually aware of their responsibilities as stated in the School's Emergency/Disaster Preparedness Plan.

### **Students**

- ❑ Will understand that all school emergency procedures are developed to avoid confusion, prevent injury, and save lives in case of disaster or school site emergency.
- ❑ Are instructed through regularly scheduled practice drills in the emergency procedures for fire, earthquake, bus safety and local disasters.
- ❑ Are required to follow instructions of school staff members at all times and take seriously their responsibilities in an emergency.
- ❑ Should be instructed to seek adult supervision at school or home in case an emergency occurs while en route to and from school.
- ❑ Will remain under school supervision until reunited with their parents and should know the person(s) designated by their parents to care for them in the event that their parents are not available.

### **Parents**

- ❑ Please remember that schools *will not send children home* in an emergency unless dismissal can be done with complete safety.
- ❑ Must be certain that accurate and complete Emergency Information for each child is given to the school each year and that the school is notified promptly of any changes.
- ❑ Should ensure that their children are instructed to seek adult supervision at school or home in case an emergency occurs while they are en route to school or home.

- ❑ Should become aware of, support and reinforce, the District-wide Emergency Preparedness Plan and how their children's school will implement it.
- ❑ Should monitor the Emergency Broadcast System for information related to the schools.

### **To Prepare Children for Emergencies**

- ❑ Develop a family disaster preparedness plan.
- ❑ Discuss and practice plan implementation with your children.
- ❑ Make children aware of person(s) designated by parent to provide care if parent is not available.

### **To Prepare for Emergencies, Have on Hand**

- ❑ A list of emergency telephone numbers: fire, police, ambulance, school
- ❑ A battery operated radio (hand-held or car radio)
- ❑ A flashlight (with fresh batteries)
- ❑ A first aid kit including necessary medicine
- ❑ Water (2 quarts to 1 gallon per person per day). Bottled water stored away from sunlight has an indefinite shelf life.
- ❑ Food (canned foods and powdered milk for at least one week's meals) and for your pet(s)
- ❑ A pipe and crescent wrenches to turn off gas and water (know where your gas, electric and water main shutoffs are and how to shut them off.)
- ❑ A Pacific Bell Telephone Book. This contains a Survival Guide for reference.

### **In an Emergency, Follow These Basic Rules:**

- ❑ Don't panic.
- ❑ Don't use your telephone, except to report medical or fire emergencies.
- ❑ Keep streets clear for emergency vehicles.
- ❑ Cooperate with public safety officials. Don't go into affected areas unless your help is requested.
- ❑ Listen to your radio (battery operated) for information and damage reports.
- ❑ Keep informed and don't repeat rumors.

### **WHAT ARE UNIVERSAL PRECAUTIONS?**

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

**HANDWASHING:** Hand washing is the single most important technique for preventing the spread of infectious disease. Hand washing facilities should include soap and running water at a pleasantly warm temperature. Classroom instruction about proper hand washing can be integrated into health instruction at all grade levels. Scented soap allows teachers to determine if elementary students have used the soap.

Hand washing must be done:

- Before drinking, eating, or smoking
- Before handling clean equipment or utensils
- Before and after assisting with feeding
- After assisting with toileting or diapering

- After contact with any body secretions
- After handling soiled diapers, garments, or equipment
- After removing disposable gloves

Technique for washing hands:

- Wet hands with running water
- Apply liquid soap and lather well
- 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
- Rinse hands well under running water
- Dry hands well with paper towels, turn off water faucet with paper towel, and discard towel

**USING GLOVES:** All staff members who may be required to administer first aid involving blood or to handle body fluids that may contain blood should have access to latex gloves in the areas where the gloves might be required to be used. In the Lemon Grove School District, gloves are placed in all classroom safety kits and are stored in the health clerk area of each school.

Technique for using gloves:

- Use a clean pair of gloves for each pupil contact or cleaning task.
- Remove gloves by grasping the cuff and then stripping it off by turning it inside out.
- Dispose of gloves in plastic bags.
- Wash hands after removing gloves.

**TRASH DISPOSAL:** Special containers lined with plastic and marked appropriately are placed in each health office for disposal of trash containing blood or any body spills that may contain blood. Trash containing blood or body spills should be placed in the container. Intact needles and syringes should be placed in “Sharp Containers” located in nurse’s offices. Do not bend or break needles or recap needles before placement in the containers.

**FIRST AID INVOLVING BLOOD AND CPR:** Individuals with responsibility for administering first aid in school, on the athletic fields, in the cafeterias, on the playgrounds, and on school buses should have current instruction and certification. The Lemon Grove School District will conduct training in first aid and CPR each school year for all interested staff members. Gloves should be a standard component of first aid supplies in the schools so that they are readily accessible for emergencies and regular care given in school health offices, cafeterias, and athletic training rooms. Devices that prevent back flow of fluids from the mouth of a victim being given CPR are accessible to those persons most likely to be the rescuers in the school setting. Gloves are included in the Lemon Grove School District’s safety kits.

**USING DISINFECTANTS:** Schools have appropriate and Environmental Protection Agency-approved disinfectants for cleaning. 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 are to be called upon to clean contaminated areas.

## CONFIDENTIAL INFORMATION

The law states that information regarding HIV/AIDS status requires written permission. The information may only be shared with persons specifically named.

- While adults grant their own written permission to share their HIV/AIDS status, parents or guardians of children can grant written permission to share information on students under 18.
- Sharing information about HIV/AIDS infected persons without consent is prohibited by law, and that person is subject to a civil penalty and a fine not to exceed \$5,000.00.
- The policies for students with HIV/AIDS state that students must not be excluded or placed specially or solely because of their HIV status.
- Only a student's physician may determine if school attendance is inappropriate due to the student's vulnerability to infections present at school.
- The current law does not require parents or physicians to inform school officials of the student's HIV/AIDS status. If disclosure by student or parent is made, it must be kept confidential unless written permission is given.
- In the legalities of testing, it is a misdemeanor to disclose blood test results of HIV/AIDS positives except by written authorization (CH & S Code Chapter 1.11 & 1.12 Sections 199.21, 199.30, 199.31 & 199.37.)
- Pupils in grades 7-12 must receive AIDS prevention instruction at least once in junior high or middle school and once in high school. (California Education Code 51201.5)
- Districts are required to provide inservice training for those employees who provide AIDS prevention instruction. (California Education Code 51229.8)

# **SECTION V**

## **EMPLOYEE BENEFITS**

As a regular classified employee, you are entitled to certain benefits. Some benefits are guaranteed to you by law, while others are negotiated. Certain benefits are available only to employees working a designated number of hours, while others are available (usually prorated) to all regular employees. Basic information about most benefits is available in the contract and can be explained in greater detail. If necessary, by the Human Resources Office.

All employees are required to maintain good, regular attendance. However, on occasion, an employee is ill or has a personal emergency. In such cases, he or she may request one of the following short-term leaves as appropriate:

- Illness/injury
- Bereavement
- Personal necessity
- Industrial accident or illness
- Jury duty
- Personal leave without pay
- Maternity/Child care leave
- CSEA conference leave
- Association leave

Each of these types of leaves is for a specific purpose and is governed by the conditions in your contract and contingent upon proper request and notice.

Regular employees also earn holiday pay and vacation leave. However, vacation leave is subject to certain limitations, such as when it may be taken and the requirement for prior supervisory approval. Leave of absence may be requested for special purposes and is contingent upon Board approval of such request.

It is important to remember that nearly all leave requests require advance approval from your supervisor. It is your responsibility to make sure that the appropriate request is made in writing to allow sufficient time so that if your leave is not approved, you may make alternate plans or submit additional information, as appropriate.

You should refer to the "Leave of Absence" section of your contract for further information about leave benefits and limitations. Request forms are available at your work site or from the Human Resources Office.

## **HEALTH AND WELFARE BENEFITS**

The term "health and welfare" benefits covers such items as employee medical insurance, dental coverage, life insurance and vision care. Benefit levels and eligibility are governed by the provisions of the current Collective Bargaining Agreement. A regular unit member who works an average of four (4) hours per day or more, or works an average of twenty (20) hours or more per week, shall receive the full employer contribution toward medical insurance, employee life and vision coverage and a dental plan.

While specific plans available may change, employees are usually offered a choice between different types of medical plans.

Employee coverage begins the first of the month following their date of hire. If an employee terminates at the end of the school year, coverage ends the end of September. If an employee terminates any other month of the year, coverage ends at the end of that month.

## **Additions or Changes to Plans**

For the continuing employees, changes to plans may only be made during the annual “open enrollment” period. Changes to plans that may be made **other than** during open enrollment include adding or deleting a dependent as a result of:

- Marriage or remarriage
- Divorce
- Birth of an eligible dependent
- Ineligibility of a current dependent due to age or marriage

Beginning on October 1, 1987, a new law termed “COBRA” governs insurance coverage for those who would otherwise become ineligible. This includes those who have experienced some “qualifying events” as:

- a) An employee who loses coverage because of a reduction in hours or termination of employment for other than gross misconduct;
- b) The spouse of an employee who loses coverage because of the above; of death, divorce or legal separation from the employee; or of the employee’s eligibility for Medicare;
- c) The dependent child of an employee who would lose coverage due to (a) or (b) or because he or she has ceased to be a “dependent child” under the plan.

Since COBRA eligibility by law involves very strict application and notification requirements, you should contact the Payroll Office as soon as you think a “qualifying event” may occur. If your employment with the District ends, you will be notified automatically of your COBRA rights.

## **MEDICARE**

Every Employee of the Lemon Grove School District has 1.45% of their monthly gross income deducted to pay for Medicare benefits that can be received at the age of 65. This deduction is federally mandated and all classified and certificated employees must participate.

## **EMPLOYEE ASSISTANCE PROGRAM (EASE)**

The Employee Assistance Program is available to all employees and their dependents who are experiencing difficulties such as emotional distress, financial worries, family problems, legal difficulties, alcohol or drug abuse, or any other problems affecting their well being and their job performance. The service is confidential and free of charge, and employees experiencing difficulty are encouraged to take advantage of this service by scheduling an appointment with the Program’s qualified, trained, personnel. These counselors help assess the problems and, if necessary, refer the employee to appropriate community resources or programs. A fee may be charged by community resource professional; however, often the employee’s medical insurance will cover treatment.

Call 1-800-722-EASE for confidential assistance.

## EMPLOYEE'S WORKERS' COMPENSATION

If you are injured on the job, you are protected by Workers' Compensation Insurance. Benefits are in the form of medical care, temporary disability benefits, necessary rehabilitation services, or death benefits to your dependents.

All injuries must be reported to your immediate supervisor within 24 hours or may forfeit any future benefits. You must report the injury even if you choose not to seek medical attention at that time. Your supervisor will be able to assist you with the forms required and answer questions regarding Workers' Compensation, or you may call the Human Resources Office for further information. Filing of a claim does not automatically qualify you for benefits. Benefits will be determined by the District's Workers' Compensation Insurance carrier.

You may see your own personal physician in case of injury, but you must have a written notice on file **prior** to the date of injury. You may file such notice at the time of hire or notify the Human Resources Office. It is your responsibility to file a new notice if you change doctors. The Workers' Compensation Office still retains the right to have you see a Workers' Compensation doctor.

A Workers' Compensation handbook and statement will be given to you when are hired with the District, and again, if you are ever injured on the job. Please read this booklet and familiarize yourself with the benefits that are available to you.

The District wants to make sure that you promptly receive all of the benefits to which you are entitled, to aid you in making a speedy recovery and to help you return to work.

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL  
Health and Welfare Benefits

BP 4154

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The district shall provide health and welfare benefits for certificated and classified employees in bargaining units. Benefits will be provided in accordance with negotiated employee agreements.

Benefits for employees who are not in bargaining units shall be the same unless otherwise specified in Board policy or individual contract.

The Superintendent or designee shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

### Retired Certificated Employees

The district health insurance program (including dental care benefits) shall be available to retired former certificated employees and their spouses, and to the spouses of certificated employees who died while employed by the district.

The insurance shall provide full benefits for retired employees up to the age at which they become eligible for Medicare/Medicaid, and afterwards shall cover only those eligible expenses not covered by Medicare, Medicaid, or other health insurance programs.

Coverage under this program will continue only as long as the retiree reimburses the district monthly for the premium paid the insurance carrier. Retirees who fail to make this payment will no longer be eligible for the program.

#### Retirees Residing Outside District Insurance Carrier(s) Service Areas

When a person entitled to retirement medical coverage moves to a location outside the service area of all district carriers, the district will, upon written request from the retiree, make cash payments to the retiree in the amount of either (1) what it would cost to cover the employee through the district's least expensive full coverage plan or (2) the retiree's actual medical insurance payments, whichever is less.

If the district is making cash payments to the retiree under this provision, the retiree must annually submit evidence acceptable to the district to show medical insurance payments were made to cover the retiree (not including dependents) in an amount equal to or greater than the payments being made to the retiree by the district.

If the district has evidence the employee is covered as a dependent on the spouse's policy and at no cost to the spouse, the district may cease all payments.

#### Legal Reference:

##### EDUCATION CODE

1252 Power to contract for group workers' compensation insurance (county superintendent)

7000-7005 Health and welfare benefits, retired certificated employees

7008 Employees disabled by violent act in scope of employment

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability insurance (self-insurance)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

##### GOVERNMENT CODE

22009.03 Public agency includes school districts

22156 Medicare coverage for school district employees

22754 Definitions

22858 Application of education code provisions relating to mandatory inclusion of certain retirees in local health and welfare benefit plans

22859 Participation in Medicare reimbursement program

53200-53210 Group insurance, especially

53200 Definitions: group insurance, local agency; health and welfare benefits, employees

##### UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

##### CONSOLIDATED OMNIBUS RECONCILIATION ACT

Public Law 99-272

Adopted: 2/14/89

Revised: 7/11/00

# **SECTION VI**

## **SELECTED STATE LAWS, GOVERNING BOARD POLICIES, AND DISTRICT RULES RELATED TO EMPLOYEES**

Care of School Facilities

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To preserve the community's investment in the quality and condition of its public schools, the following guidelines shall be followed in the classrooms and other school facilities:

Use of Chemicals and Adhesive Substances

1. Only use the "tack n' stick" material available through the district warehouse on painted walls. Do not use tape or other adhesive substance.
2. Remove all staples from the tackable surface walls when changing displayed items.
3. Use thumbtacks, "T-pins," and classroom staples on the tackable surface walls. Do not use nails or staple guns.
4. No items shall be hung from the lighting fixtures. Requests for poster wires to be installed by the school custodian may be made through the principal.
5. District-approved tape, available through the warehouse, shall be used on the carpet and vinyl flooring.
6. Tape is not to be placed on doors. Requests for a small bulletin board to be installed on the door shall be placed through the principal.
7. No taped items shall be placed on classroom windows in the modernized schools. Window blinds are installed as part of the school modernization program. In the schools awaiting modernization, district-approved tape may be used; however, it should be removed from the windows when displayed items are taken down. (Residue from scotch tape is baked onto the surface of the windows making it difficult to remove.)
8. Markers designed for use on coated white boards shall be used at all times. Approved markers are available through the district warehouse.
9. Thick paints, starch, and solid materials shall not be discarded through the sink. Contact the school custodian for proper disposal.
10. Use only the district-approved art supplies, cleaning fluids, and other chemicals in order to meet the CalOSHA requirements. Each principal and school custodian has a list of approved supplies available through the district warehouse.

Standard Procedures

To maintain the highest standard of cleanliness and maintenance of our schools, the following procedures will be implemented as a shared responsibility between the instructional staff, students, and custodians to provide proper care and preservation of the classrooms:

1. Students shall be instructed to place all chairs on top of their desk or in an orderly stack at the end of the school day.  
All extraneous items and paper scraps shall be picked up from the floor at the end of the school day.

2. Desktops and computer workstations shall be cleaned weekly using the district-approved cleaner available from the school custodian.
3. Turn off the heating, ventilation, and air conditioning system at the end of the school day or when doors and/or windows are open.
4. Turn off all computers and electric equipment at the end of the school day.
5. Turn off all lights when vacating rooms.
6. Notify the school custodian immediately regarding any spills or required clean up.
7. Place all wastebaskets outside the classroom door at the end of the school day.
8. Submit maintenance work orders through the principal.

#### Safety Measures

To ensure a safe and orderly environment for all students and staff, the following guidelines shall be followed to prevent fires and injury:

1. Boxes shall not be placed on top of cabinetry (fire department regulation).
2. No more than 25 percent of the surface area of any wall may be covered with paper unless using approved fire retardant paper.
3. Mobiles shall be displayed in one corner of the room, away from any exit.
4. Doors and windows shall remain clear for emergency evacuation purposes.
5. Report all safety issues to the principal or immediate supervisor.
6. No paper cutters shall be used or stored in the classroom.
7. Refrigerators, coffee pots, microwave ovens, space heaters, and other appliances shall not be kept in the classroom. Principals may approve such items for temporary use with pre-approved curriculum projects.

#### Legal Reference:

EDUCATION CODE

38130-38138 Civic Center Act: use of school property for public purposes

Issued: 9/14/99

## **UNIFORM COMPLAINT PROCEDURES**

These procedures are available for use as described below:

Uniform Complaint Procedures were developed and established to handle complaints against the district that involve specific educational programs which are conducted with state or federal funds or that regard charges that the district has unlawfully discriminated against someone. (Procedures established in accordance with state law Title 5, California Code of Regulations, Sections 4600-4671).

These same complaint procedures may be used to file complaints against the district which allege unlawful discrimination under the following federal laws: Section 504 or the Americans with Disabilities Act (discrimination based on physical or mental disability); Title IX (discrimination based on gender, including sexual harassment); and Title VI (discrimination based on race, color or national origin). Discrimination complaints must be filed within 6 months of last occurrence or when knowledge was first obtained.

### **What Programs are Covered?**

These complaint procedures cover the following educational programs:

1. Consolidated categorical aid programs
2. Child Care and Development
3. Child Nutrition
4. Special Education
5. Any other program benefiting from state or federal funds in which discrimination occur based on ethnicity, ancestry, religion, age, gender (including sexual harassment), sexual orientation, color, physical or mental disability, medical condition or political belief or affiliation.

### **How to Submit a Complaint**

Any person, organization or public agency concerned about a violation of state or federal regulations governing an educational program listed in this brochure is to submit a written complaint to the office of the District Superintendent. This office will provide assistance to those who cannot complete a written complaint.

The district assures confidentiality of the facts to the maximum extent possible. The district prohibits retaliation against anyone who participates in the complaint investigation process

### **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 complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education (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 (EC 262.3).

### **How a Complaint is Investigated and Answered**

Each complaint is investigated by the district office which must do the following within 60 days:

1. Provide an opportunity for the person or organization complaining and district personnel to present information related to the complaint.

2. Obtain specific information from other persons familiar with events and locations related to the complaint.
3. Review related documents.
4. Prepare a written report (in English and in the language of the complainant) on findings and recommended solutions.
5. Notify the person or organization of appeal procedures.

Complaints about special education programs and services may also be referred by the district or the complainant may file the complaint with the California Department of Education, Special Education Division. To file a special education complaint directly with the CDE, you may write to the CDE at the address listed under the section entitled "How to Appeal".

### **How to Appeal**

Persons or organizations disagreeing with the district decision have fifteen days after receipt of the decisions to file an appeal. The appeal must be in writing and must include a copy of the original complaint, as well as a copy of the local site decision provided to them.

If the original complaint involved one of the educational programs (listed 1-5), the appeal should be sent to:

State of California Department of Education  
State Superintendent of Public Instruction  
P O Box 944272  
Sacramento, CA 94244-2710

Appeals of local site decisions involving Title IX or Title VI may also be directed to the Department of Education (see address above) for resolution.

<p><b>Only complaints with the original signature will be accepted. The 60-day time line shall begin when the complaint is received.</b></p>
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**LEMON GROVE SCHOOL DISTRICT**

**UNIFORM COMPLAINT FORM**

(Reference: District Policy No. 1312.3)

TO: Office of the Director of Educational Services  
8025 Lincoln Street  
Lemon Grove, CA 91945-2515

FROM: Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ Zip \_\_\_\_\_  
Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

PROGRAM(S) CONCERNED (Please check below):

1. \_\_\_\_\_ A violation of federal or state law or regulation governing the following program(s):

- \_\_\_\_ Child Nutrition (Education Code Sections 49490-49560)
- \_\_\_\_ Child Care and Development (Education Code Sections 8200-8493)
- \_\_\_\_ Consolidated Categorical Aid (Education Code Sections 64000(a))
- \_\_\_\_ Special Education (Education Code Sections 56000-56885;59000-59300)

OR

2. \_\_\_\_\_ Discrimination in programs receiving state financial assistance based on one of the following:

- \_\_\_\_ Ethnic group identification
- \_\_\_\_ Religion
- \_\_\_\_ Age
- \_\_\_\_ Sex
- \_\_\_\_ Color
- \_\_\_\_ Physical or mental disability



**LEMON GROVE SCHOOL DISTRICT**

**COMPLAINT RESOLUTION FORM**

(Reference: District Policy 1312.3)

**STEP 1: ACTION TAKEN BY EMPLOYEE/PROGRAM SUPERVISOR:** Date Complaint Resolution Received \_\_\_\_\_  
(Findings of Fact) Deadline Date for Report of Findings \_\_\_\_\_

Complaint Dismissed/Withdrawn  
 Resolved by Employee/Supervisor  
 Referred to Compliance Officer

\_\_\_\_\_  
Signature of Supervisor Date

**STEP 2 : COMPLIANCE OFFICER'S FINDINGS AND ACTION:** Date Complaint Resolution Received \_\_\_\_\_  
Deadline Date for Report of Findings \_\_\_\_\_

Complaint Dismissed/Withdrawn  
 Resolved by Compliance Officer and Complainant  
 Referred to Superintendent

\_\_\_\_\_  
Signature of Compliance Officer Date

**STEP 3: SUPERINTENDENT'S FINDINGS AND ACTION:** Date Complaint Resolution Received \_\_\_\_\_  
Deadline Date for Report of Findings \_\_\_\_\_

Complaint Dismissed/Withdrawn  
 Resolved by Superintendent and Complainant  
 Referred to Governing Board

\_\_\_\_\_  
Signature of Superintendent Date

**STEP 4: GOVERNING BOARD ACTION:** Date Complaint Resolution Received \_\_\_\_\_  
Deadline Date for Report of Findings \_\_\_\_\_

\_\_\_\_\_  
Date of Meeting

**Distrito Escolar de Lemon Grove**

**FORMA PARA QUEJAS**

(Referencia: Norma Distrital 1312.3)

Para: La Oficina de la Directora de Servicios Educativos  
8025 Lincoln Street  
Lemon Grove, CA 91945-2515

De parte de: Nombre(s) \_\_\_\_\_  
Domicilio \_\_\_\_\_  
Ciudad \_\_\_\_\_  
Tel. en casa \_\_\_\_\_ en el trabajo \_\_\_\_\_

CONCERNIENTE AL O A LOS PROGRAMAS (favor de indicar enseguida)

1. \_\_\_\_\_ Infracción a ley federal o estatal o a reglamento que gobierna el o los siguientes programas:

\_\_\_\_\_ Nutrición Infantil (secciones 49490-49560, del Código de Educación)

\_\_\_\_\_ Desarrollo y Cuidado Infantil (Secciones 8200-8493, del Código de Educación)

\_\_\_\_\_ Asistencia Financiera Para Programas Especiales (Secciones 64000(a) del Código de Educación)

\_\_\_\_\_ Educación Especial (Secciones 56000-56885; 59000-59300, del Código de Educación)

2. \_\_\_\_\_ Discriminación en programas que reciben ayuda financiera del estado con base en una de las siguientes:

\_\_\_\_\_ Identificación de grupo étnico

\_\_\_\_\_ Religion

\_\_\_\_\_ Edad

\_\_\_\_\_ Sexo

\_\_\_\_\_ Color

\_\_\_\_\_ Discapacidad física o mental



**DISTRITO ESCOLAR DE LEMON GROVE**

**RESOLUCIÓN**

(Referencia: Norma Distrital No. 1312.3)

<b>PASO 1: ACCIÓN POR PARTE DEL EMPLEADO/A O SUPERVISOR/A DEL PROGRAMA:</b>	
	Fecha en que se recibió la resolución _____ Fecha límite para entrega de conclusiones _____
	<input type="checkbox"/> Queja desechada/retirada <input type="checkbox"/> Resuelta por empleado/supervisor <input type="checkbox"/> Enviada al Oficial de Acatamiento
_____	_____
Firma del supervisor	Fecha

<b>PASO 2: CONCLUSIONES DEL OFICIAL DE ACATAMIENTO Y ACCIÓN TOMADA:</b>	
	Fecha en que se recibió la resolución _____ Fecha límite para entrega de conclusiones _____
	<input type="checkbox"/> Queja desechada/retirada <input type="checkbox"/> Resuelta por el Oficial de Acatamiento y la persona que presenta la queja <input type="checkbox"/> Enviada la Superintendente
_____	_____
Firma del Oficial de Acatamiento	Fecha

<b>PASO 3: CONCLUSIONES DE LA SUPERINTENDENTE Y ACCIÓN TOMADA:</b>	
	Fecha en que se recibió la resolución _____ Fecha límite para entrega de conclusiones _____
	<input type="checkbox"/> Queja desechada/retirada <input type="checkbox"/> Resuelta por la Superintendente y persona que presenta la queja <input type="checkbox"/> Enviada a la Junta Directiva
_____	_____
Firma del Superintendente	Fecha

<b>Paso 4: ACCIÓN DE LA JUNTA DIRECTIVA</b>	Fecha en que se recibió la resolución _____
_____	Fecha límite para entrega de conclusiones _____
Fecha en que se celebró la junta	

Complaints Regarding District Employees

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Any parent or guardian who has a student attending the schools of the Lemon Grove School District shall have the right to present a complaint about a district employee. It is the intent of the Board that complaints be settled at a direct and informal level whenever possible. When informal meetings fail to resolve differences and complaints, more formal referral procedures, which may culminate in a Governing Board hearing, may be followed. Complaints about employees, which are made directly to Governing Board members or to the Board during an official meeting, shall be referred to the Superintendent for appropriate action according to this policy.

This policy shall not be applicable to any complaint concerning official actions taken to discipline a student (suspension, expulsion), student publications, contract grievances, or matters for which an alternative remedy is available within the district.

**Informal Level**

Whenever possible or practical, persons wishing to complain about an employee should make the complaint directly to the employee. Employees should discuss the complaint with the person making the complaint and make every effort to provide a reasonable explanation of any causative situation(s) and/or shall take appropriate action within his/her authority and District rules and regulations to alleviate the expressed concern, or to explain why the complainant's request for a solution to the problem cannot be met.

In order to facilitate discussion between the employee and the complainant, either party may request that the employee's immediate supervisor be involved in a meeting to seek to resolve the problem(s).

If the complainant chooses not to speak directly with the person being complained about, the complainant may speak directly with that employee's immediate supervisor and the supervisor, after informing the complained against employee of the complaint, shall attempt to solve the problem informally based upon the information available.

Regardless of which of the above arrangements occurs at the informal level, it is required that the employee's immediate supervisor be involved in one of those ways listed prior to the complaint's being moved beyond the informal level of this policy.

**Beyond the Informal Level**

If the complaint/problem cannot be solved at the informal level(s) as described, these steps will be available:

- Step 1. The complainant may discuss the complaint with the Director, Human Resource, by submitting a properly completed written complaint form to the Superintendent's office.

The appropriate district-level administrator shall confer with both the complainant and the person being complained against and shall then attempt to resolve the matter, giving a suggested resolution in writing to both the employee and the complainant within five working days after meeting with the complainant.

Step 2. If no satisfactory solution is achieved at Step 1, the matter may be referred to the Superintendent within five days after the response prepared in Step 1 is sent registered mail to the complainant. In order to refer the matter to the Superintendent at this level, the person with the complaint shall provide a written statement of why the earlier steps were unsatisfactory. The Superintendent shall meet with the complainant and the person being complained about either individually or together to attempt to resolve the issue, providing a written copy of a suggested resolution to the complainant by registered mail within five working days after the meeting, with a copy sent to the employee complained about.

Step 3. If either the complainant or the person being complained about judges that the issue has not been satisfactorily resolved in Step 2, or if the Superintendent determines that the issues are of a nature requiring a Board hearing, the matter shall be referred to the Governing Board for a hearing by means of the filing of a written request for such hearing by either the employee, the complainant, or the Superintendent. Such a request should occur within ten working days after the meeting in Step 3.

Failure by district officials to adhere to decision deadlines constitutes the right of the complainant to appeal automatically to the next step. Failure of the complainant to adhere to the guidelines and timelines of the policy shall mean that the complainant is satisfied with the latest decision rendered and waives the right to pursuing further steps.

Rights, Duties, and Privileges of the Complainant, Person Complained Against, and Other Parties to the Governing Board Hearing:

The hearing shall take place during either a closed or public session of the Governing Board with the person complained against making the decision about whether the hearing shall be in public or closed session.

The Board and the Superintendent will be present at any closed session hearing. The Board may request that the appropriate district-level administrator and appropriate supervisor(s) appear during the hearing. Both the complainant and the person being complained about may have a representative of choice present at no cost to the District.

Both the complainant and the person being complained about will be notified of the time and place of the hearing at least five days before the Board meeting at which it will occur. The person complained against shall be entitled to receive copies of all written complaints against him/her, which shall be presented to the Board.

The subject matter of the hearing shall be solely that of the issue raised by the complainant and/or by the employee being complained about.

Technical rules of evidence in effect in courts of law shall not apply to the hearing, but the Board will not deal with issues based upon hearsay evidence alone.

The Governing Board may set time limits on presentations at the hearing. The person bringing the complaint shall make his/her presentation first, followed by the person being complained against. The Board may then ask the Superintendent or other supervisory personnel to summarize prior actions taken or discussions held related to the complaint.

The decision of the Governing Board shall be final. The complainant and the person being complained against shall be given written notification of the Board decision with the notification delivered by registered mail and postmarked no later than five working days subsequent to the Board hearing.

Legal Reference: Education Code 35160, 33161

Adopted: 11/8/83

Amended: 10/27/87, 10/25/94, 8/24/99, 9/11/01

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL

BP 4156.3

Replacement or Repair of Employee's Personal Property

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The Governing Board, by this policy, establishes a procedure whereby the school district may provide for the payment of the costs of replacing or repairing property of an employee such as eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried by the employee, or vehicles, when such items are damaged in the line of duty without fault of the employee (***classroom doors are to be locked when room is not occupied***) or if such property is stolen from the employee by robbery or theft while the employee is in the line of duty. Theft of an entire vehicle or any optional equipment attached thereto, such as a radio or CD player, is specifically excluded.

The District will reimburse an employee for the loss, destruction or damage by arson, burglary, or vandalism of personal property used in the schools or offices subject to paragraph "3" below.

If the items are damaged beyond repair, or stolen, payment of the actual value of such items will be processed subject to the conditions herein after listed. The value of such items shall be determined as of the time of the damage thereto or the robbery or theft and shall include normal allowance for depreciation.

Payments shall be based on the following:

1. The District will reimburse employees on The District a \$20 deductible basis. No payment shall be made for any loss of an item having a value of less than \$20 at the time of damage or theft. The maximum payment for any one loss shall not exceed \$120, except in the case of vehicles, where maximum payment shall not exceed \$300.
2. A written request for reimbursement for damage to property shall be reported to the site administrator immediately *and* filed by the employee with the Assistant Superintendent, Business Services, on forms provided by the District, within forty-five (45) days of the date of loss and shall be signed by the employee's immediate supervisor, or principal. The Business Office shall conduct such investigation as may be necessary.
3. Reimbursement for loss, destruction, or damage by arson, burglary, or vandalism of personal property used in the schools or offices is provided only when approval for the use of the personal property in the schools or offices was given **BEFORE** the property was

brought to the school or office and when the value of the property was agreed upon by the person bringing in the property and the administrator. All personal property shall be listed on forms provided by the District and filed in the Business Office.

4. Reimbursement for vehicle damage shall be limited to payment for damages resulting from malicious acts of others while a vehicle is being used on authorized school business or from such acts while a vehicle is parked or driven on or adjacent to school or other District premises or at the site of authorized school district activities. Collision, theft of an entire vehicle, any optional equipment attached thereto such as a radio or CD player and contents of a vehicle, and damage to a vehicle resulting from actual theft of the vehicle are specifically excluded from this coverage.
5. Where the claim involves a vehicle or theft of property, a report shall be made to the proper law enforcement agency and a verification of this report shall be provided to the District. If damage is to a vehicle, two estimates of repair cost shall be provided.
6. The employee must assign to the District right of subrogation to the extent of any payment made by the District. The employee shall also file a claim with his personal insurance carrier with a copy of said insurance claim provided for the District. In the case of personal loss or theft, or vehicle damage or theft, the employee is to file a statement with the District indicating that no insurance coverage is available.
7. Payment will be approved and made by the Assistant Superintendent, Business Services and submitted to the Governing Board for ratification.

Legal Reference  
Education Code 35176

Adopted: 8/7/75  
Amended: 1/23/79  
Reviewed and Revised: 1983-84  
Revised: 9/25/01

LEMON GROVE SCHOOL DISTRICT

PHILOSOPHY-GOALS-OBJECTIVES AND COMPREHENSIVE PLANS

BP 0410

Nondiscrimination in District Programs and Activities

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The Governing Board is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination based on gender, sex, race, color, religion, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation, or any other unlawful consideration. The Board shall promote programs that ensure that discriminatory practices are eliminated in all district activities.

District programs and facilities, viewed in their entirety, shall be readily accessible to individuals with disabilities. The Superintendent or designee shall ensure that interested persons, including those with impaired vision and hearing, can obtain information about available programs, facilities, and activities.

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

The Superintendent or designee shall notify students, parents/guardians, employee organizations and sources of referral, and applicants for admission and employment about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin or application form distributed to these groups.

The Superintendent or designee shall also provide information about related complaint procedures.

To the extent possible, the district's nondiscrimination policy shall be published in the individual's primary language.

Legal Reference:

EDUCATION CODE

200-264 Prohibition of discrimination

GOVERNMENT CODE

11000 Definitions

11138 Rules and regulations

11340-11356 Administrative regulations and rulemaking

UNITED STATES CODE, TITLE 20

1400 - 1491o Individuals with Disabilities in Education Act

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

2301 - 2471 Carl D. Perkins Vocational and Applied Technology Act

UNITED STATES CODE, TITLE 29

794 Sections 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

2000h - 2000h-6 Title IX

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1 - 100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1 - 104.39 Section 504 of the Rehabilitation Act of 1973

106.1 - 106.61 Discrimination on the basis of sex or blindness, effectuating Title VI especially:

106.9 Dissemination of policy

Adopted: 11/17/69

Revised: 8/24/93, 7/13/99, 9/9/03

LEMON GROVE SCHOOL DISTRICT

ALL PERSONNEL

BP 4030

Nondiscrimination in Employment

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

Any district employee who engages in unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal.

Any district employee who permits unlawful discrimination or harassment may be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains.

The Superintendent or designee shall regularly publicize this nondiscrimination policy and the availability of complaint procedures throughout the district and the community. He/she shall provide district employees and job applicants with copies of this policy, district regulations, and complaint procedures as necessary.

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

Director, Human Resources  
Lemon Grove School District  
8025 Lincoln Street  
Lemon Grove, CA 91945

Legal Reference:

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

LABOR CODE

1102.1 Employment discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

UNITED STATES CODE, TITLE 20

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

UNITED STATES CODE, TITLE 29

794 Sections 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

12101 - 12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Adopted: 12/9/76

Revised: 1978-79, 6/13/00

LEMON GROVE SCHOOL DISTRICT

Nondiscrimination in Employment

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Unlawful discrimination or harassment of an individual includes:

1. Slurs, epithets, threats, or verbal abuse
2. Derogatory or degrading comments, descriptions, drawings, pictures, or gestures
3. Unwelcome jokes, stories, teasing, or taunting
4. Any other verbal, written, visual, or physical conduct against the individual which:
  - a. Adversely affects his/her employment opportunities, or
  - b. Has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile, or offensive work environment

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, the nondiscrimination coordinator, or the Superintendent in order to obtain procedures for reporting a complaint. Such complaints shall be filed in accordance with AR 4031—Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor when the supervisor is the alleged offender.

Any supervisor who receives a discrimination/harassment complaint shall immediately notify the nondiscrimination coordinator or the Superintendent, who shall ensure that the complaint is appropriately investigated in accordance with district policy and regulations.

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

Issued: 5/23/00

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL

BP 4031

Complaints Concerning Discrimination in Employment

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Any adult with a complaint regarding alleged discrimination for the reasons delineated in Board Policy 4030 should first discuss the issue with his/her immediate supervisor or the administrator of the school where the alleged discriminatory act occurred.

In the event the matter is not resolved informally within a reasonable period of time following the act or condition that is the basis of the complaint, the procedure described in Administrative Regulation 4031 shall be used.

Adopted: 6/22/76  
Revised: 1/9/79, 6/13/00

Complaints Concerning Discrimination in Employment

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

1. The complaint should be initiated promptly after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The parties also shall be notified of their right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the district determines appropriate to the circumstances.
5. For the protection of all the parties involved, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications, and records dealing with the investigation of the complaint shall be placed in a confidential district personnel complaint file and not in the employee's individual personnel file.
7. Time limits specified in these procedures may be revised only by written agreement of all parties involved. If the district fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with his/her supervisor or the administrator of the school where the alleged discriminatory act occurred. A complaint regarding discrimination away from the school site should be discussed informally with the complainant's supervisor. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor or other administrator shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be made available to the nondiscrimination coordinator (coordinator) designated by the Governing Board in BP 4030—Nondiscrimination in Employment.

Level II

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

1. The complainant's name, address, and telephone number
2. The name and work location of the district staff member who committed the alleged violation
3. A description of the alleged discriminatory act(s) or omission(s)
4. The discriminatory basis alleged
5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation
6. Other pertinent information that may assist in investigating and resolving the complaint
7. The complainant's signature or that of his/her representative

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

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

#### Level III

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

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

#### Level IV

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

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

The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board. The panel shall hear the appeal and render its decision within 10 working days.

Other Remedies

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 29

621 - 634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

12101 - 12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101 - 35.190 Americans with Disabilities Act

Issued: 5/23/00

Sexual Harassment

The Board prohibits sexual harassment of district employees or job applicants. The Board also prohibits retaliatory action or behavior against a district employee or other persons who complain, testify, or otherwise participate in the complaint process pursuant to Board policy and administrative regulations.

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

1. Providing periodic training to all staff regarding the district's sexual harassment policy particularly the procedures for registering complaints and employees' duty to use the district's complaint procedures in order to avoid harm
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any instance of sexual harassment by another employee, a job applicant, or a student shall immediately contact his/her supervisor, the principal, district administrator, or Superintendent to obtain procedures for issuing a complaint. Employee complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint. In the event the complaint is against the District Superintendent, the complaint shall be filed with the Governing Board President.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action.

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

## 106.9 Dissemination of policy

### COURT DECISIONS

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

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

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

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

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

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

Adopted: 6/13/89

Revised: 8/23/94, 10/26/99, 2/12/02

### LEMON GROVE SCHOOL DISTRICT

#### ALL PERSONNEL

AR 4219.11

#### Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when:

1. Submission to the conduct is made either expressly or by implication, a term or condition of the individual's employment
2. Submission to or rejection of such conduct by the other individual is used as the basis for an employment decision affecting him/her
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work or academic performance; creating an intimidating, hostile, or offensive work environment; or of adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district

Other examples that might constitute sexual harassment, whether committed by a supervisor or any other employee, include but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversations or sexually degrading descriptions
4. Sexual jokes, stories, drawings, pictures, graffiti, gestures, or sexually explicit email
5. Spreading sexual rumors
6. Massaging, grabbing, fondling, stroking, or brushing the body

7. Touching an individual's body or clothing in a sexual way
8. Cornering, blocking, leaning over, or impeding normal movements
9. Displaying sexually suggestive objects or using sexual computer screensavers
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

#### Notifications

A copy of this regulation shall:

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Equal Employment Opportunity Commission
6. Directions on how to contact the Fair Employment and Housing Department and Equal Employment Opportunity Commission

Issued: 10/12/99

Revised: 1/15/02

LEMON GROVE SCHOOL DISTRICT

STUDENTS

BP 5145.7

Sexual Harassment

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The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees,

or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

#### Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the District policy on sexual harassment of students
5. The contact person(s) at the school to whom a report of sexual harassment shall be made

#### Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

#### Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 8, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account.

## Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in its schools.

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

#### 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, Discrimination

#### UNITED STATES CODE, TITLE 42

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

#### UNITED STATES CODE, TITLE 42

20003-2000e-17 Title VII, Civil Rights Act of 1964 as amended

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

Adopted: 9/10/02

## LEMON GROVE SCHOOL DISTRICT

### STUDENTS

AR 5145.7

### Sexual Harassment

---

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual or, physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting, when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, notes, stories, drawings, pictures, or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects

#### Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct
5. Be provided to employees and employee organizations

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
  - a. The student who is complaining
  - b. The person accused of harassment
  - c. Anyone who witnessed the conduct complained of
  - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also shall discuss the complaint with the following persons:
  - a. The Superintendent or designee
  - b. The parent/guardian of the student who complained
  - c. If the alleged harasser is a student, his/her parent/guardian
  - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
  - e. Child protective agencies responsible for investigating child abuse reports
  - f. Legal counsel for the district
4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

5. In reaching a decision about the complaint, the principal or designee may take into account:
  - a. Statements made by the persons identified above
  - b. The details and consistency of each person's account
  - c. Evidence of how the complaining student reacted to the incident
  - d. Evidence of any past instances of harassment by the alleged harasser
  - e. Evidence of any past harassment complaints that were found to be untrue
  
6. To judge the severity of the harassment, the principal or designee may take into consideration:
  - a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The number of persons involved
  - d. The age and gender of the person accused of harassment
  - e. The subject(s) of harassment
  - f. The place and situation where the incident occurred
  - g. Other incidents at the school, including incidents of harassment that were not related to gender
  
7. The principal or designee shall write a report of his/her findings including the decision and the reason(s) for the decision. The principal or designee also shall present this report to the parents of the student filing the sexual harassment complaint and the parents of the student who was accused of sexual harassment
  
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
  
9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

#### Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff inservice and student instruction or counseling
3. Notifying parents/guardians of the actions taken
4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment that he/she knew was not true.

Issued: 9/10/02

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL

BP 4040  
AR 4040

Employee Use of Technology/Acceptable Use Policy

The Governing Board recognizes that technology can enhance employee performance by improving

access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating operations. The Board expects all employees to learn to use the available electronic resources that will assist them in their jobs. As needed, staff shall receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the district's network resources only for purposes related to their employment. Such use is a privilege that may be revoked at any time. Teachers and other employees supervising students accessing the Internet/District network shall be responsible for monitoring students on the Internet/District network to ensure that inappropriate materials are not viewed.

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

To ensure proper use, the Superintendent or designee may monitor the district's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent.

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

The Superintendent or designee may establish guidelines and limits on the use of technological resources. He/she shall ensure that all employees using these resources receive copies of related policies, regulations, and guidelines. Employees shall be asked to acknowledge in writing that they have read and understood these policies, regulations, and guidelines.

Legal Reference:

EDUCATION CODE

51870-51874 Education Technology

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

632 Eavesdropping on or recording confidential communications]

UNITED STATES CODE, TITLE 20

6801 - 7005 Technology for Education Act of 1994

47 United States Code section 254 "Children's Internet Protection Act" and FCC Rules governing CIPA (FCC 01-120, Released April 5, 2001)

Adopted: 9/8/98

Revised: 6/13/00, 10/9/01

LEMON GROVE SCHOOL DISTRICT

ALL PERSONNEL

E 4040

Agreement on the Acceptable Use of Technology

The Lemon Grove School District's computer network offers access to data bases and computer users throughout the world. The network provides access to electronic mail, libraries, an assortment of software, discussion groups on a wide variety of topics, and information from many sources and institutions. The District employs filtering/blocking technology to ensure that minors using our system are not exposed to inappropriate materials, including, but not limited to, visual depictions of material that is (1) obscene, (2) child pornography, and/or (3) harmful to minors. Since filters/blocking devices may not provide one hundred percent blocking of

inappropriate materials, it is the responsibility of the employee charged with supervising pupils to visually monitor student use of the Internet in the classroom or whenever supervising pupils using computers. The employee should encourage students to report instances in which inappropriate materials have been accessed through the District's network.

It is the responsibility of every employee immediately to report to the Department of Information Technology instances in which the employee has observed or students have reported that blocking/filtering has failed so that the Technology Department can take the appropriate corrective actions.

Governing Board Policy 4040 and Administrative Regulation 4040 outline acceptable use, access, and administration of District technology.

Your signature below acknowledges receipt of a copy of Policy 4040 and Administrative Regulation 4040 and your agreement to adhere to their provisions.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

## ALCOHOL, TOBACCO, AND OTHER DRUGS

Board Policy 107

The District has an important interest in providing a safe working environment for employees and a safe learning environment for pupils. The District may take reasonable steps to protect the health and safety of employees or to protect the health and safety of pupils.

Cigarette smoking and the use of tobacco products is not permitted on District property, including parking areas. Possession of legal tobacco or tobacco products by adults is not prohibited.

No employee shall smoke at any workplace. The term workplace includes all District property including parking areas. No employee shall smoke in the presence of a pupil or in the presence of another employee at any place while the employee is acting within the scope of employment. Any employee who smokes at any workplace, or in the presence of a pupil or another employee at any place while the employee is acting within the scope of employment, is subject to discipline. Such discipline may be dismissal if the employee continues to violate the prohibition in this provision or smokes in an area containing flammable material. Possession of legal tobacco or tobacco products is not prohibited.

No employee shall possess, consume, or be under the influence of alcohol at any workplace. The term workplace includes all District property including parking areas. No employee shall possess, consume, or be under the influence of alcohol at any place where the employee is acting within the scope of employment. Any employee who possesses, uses, or is under the influence of alcohol at any workplace or at any place while the employee is acting within the scope of employment is subject to discipline, up to and including dismissal, even for a first violation. Any employee who is convicted of driving under the influence of alcohol with a pupil or another employee while acting within the scope of employment may be dismissed, even for a first violation.

No employee shall manufacture, distribute, dispense, possess, consume, or be under the influence of illegal drugs or controlled substances at any workplace. The term workplace includes all District property including parking areas. No employee shall manufacture, distribute, dispense, possess, consume, or be under the influence of illegal drugs or controlled

substances at any place while the employee is acting within the scope of employment. Any employee who manufactures, distributes, dispenses, possesses, uses, or is under the influence of illegal drugs or controlled substances at any workplace or any place while the employee is acting within the scope of employment is subject to discipline, up to and including dismissal, even for a first violation. Any employee who is convicted of driving under the influence of illegal drugs or controlled substances with a pupil or another employee while acting within the scope of employment may be dismissed, even for a first violation.

The terms illegal drugs and controlled substances include all chemical substances or drugs listed in any controlled substances laws or regulations. They include, but are not limited to:

1. Stimulants, which speed up central nervous system activity; e.g., amphetamines, cocaine, and similar drugs.
2. Depressants, which relax central nervous system activity; e.g., narcotics, barbiturates, and similar drugs.
3. Hallucinogens, which change perception and consciousness; e.g., marijuana, hashish, LSD, and similar drugs.
4. Deliriants, which cause mental confusion and disorientation; e.g., glue solvents, aerosol sprays, and similar drugs and substances.

The possession or use of drugs under and consistent with the specific directions of a physician which does not impair the performance of an employee is not prohibited.

All employees must notify the Superintendent in writing within five (5) days of any drug statute conviction for a violation occurring in any workplace or while the employee is acting within the scope of employment. All employees also must notify the Superintendent in writing within five (5) days of any conviction of driving while being under the influence of drugs or alcohol while the employee is acting within the scope of employment. A conviction includes any finding of guilt, including a no contest plea, or imposition of a sentence.

The District encourages and will reasonably assist any employee with an alcohol or drug dependency to seek treatment or rehabilitation. The District will reasonably accommodate any employee with an alcohol or drug dependency, as long as such reasonable accommodation does not impose an undue hardship on the District. Sick leave may be used by an employee for treatment or rehabilitation of an alcohol or drug dependency by a physician or other professional specializing in such treatment or rehabilitation. An employee will be permitted to participate in outpatient treatment and inpatient treatment before a final dismissal unless such participation imposes an undue hardship on the District. The District does not allow or tolerate unsatisfactory job performance because of alcohol or drug dependency or use.

The District has the right to search any desk, locker, cabinet, or other property of the District at any time for any reason and without prior notice.

The District also may search an employee or an employee's personal property when there is reasonable suspicion to believe that the employee is in violation of the prohibitions of this provision, and the employee is advised about the reason for the search.

An employee or an employee's personal property will not be searched without the employee's consent, but the District may discipline any employee up to and including dismissal if the employee refuses to consent to a search after being advised that a refusal to consent subjects the employee to discipline.

The District, when there is a reasonable suspicion, may request that an employee submit to drug or alcohol testing. Reasonable suspicion normally requires either information from a reliable informant or another reasonable ground for suspecting that the search will turn up evidence that this provision has been violated. A reasonable ground includes but is not limited to the employee appearing to be under the influence of alcohol or drugs, the employee is found in possession of alcohol or suspected controlled substances, the employee is involved in an accident whose nature indicates impairment of ability or judgment, or the employee is involved in an impairment of ability or judgment, or the employee is involved in an incident in which a safety precaution was violated or a careless act was performed.

The District also may request that an employee submit to drug or alcohol testing when the employee seeks to return to work after being absent for treatment or rehabilitation for alcohol or drug dependency.

An employee is not required to submit to drug or alcohol testing without the employee's consent, but the District may discipline any employee up to and including dismissal if the employee refuses to consent to such testing. No discipline shall be imposed, however, unless the employee is advised about the reason for the testing, and the employee refuses to consent to the testing after being advised that a refusal to consent subjects the employee to discipline.

Any consent or refusal to submit to the testing shall be in writing. If the employee consents to the testing, the employee also shall authorize in writing the release of the medical information. If the employee consents to the testing but refuses to authorize the release of the medical information, disciplinary action will not be taken because of that refusal. Disciplinary action, however, may be taken based on other available evidence. If the employee refuses to release the medical information to the District, it will not be available to assist the employee in any decision regarding discipline.

The District representative requesting the testing normally should escort the employee to the independent laboratory and/or clinic selected by the District.

The independent laboratory and/or clinic requested to conduct any testing shall be instructed to:

1. Ask the employee to provide a specimen and test the specimen for the presence of any prohibited substances.
2. Preserve and mark all specimens yielding positive results.
3. Return the lab report and any other information showing results to the District.

If the first laboratory tests show positive results, the specimen will be tested again using a different test methodology. The employee may be asked to provide an additional specimen under the procedures described above.

A District representative will attempt to interview any employee where a test shows positive results. The employee will be given an opportunity at such interview to explain the positive test result.

Testing reports will be treated similarly to other confidential personnel documents, which have restricted access.

Applicants for employment may be required to submit a blood or urine sample for analysis to a laboratory or clinic of the District's choice. All samples may be analyzed for the presence of drugs or alcohol. Applicants who submit samples that test positively for the presence of any

illegal drug may be immediately discontinued from consideration for employment. Any applicant's sample that tests positively for the presence of any other drug or alcohol at levels which the District determines would impair the applicant's ability to satisfactorily and safely perform as an employee may be discontinued from consideration for employment. Any applicant for employment who tests positive for any illegal drug, other drug, or alcohol will be given a reasonable opportunity to explain the positive test result.

Applicants for employment will, at the time they submit the blood or urine sample, authorize the release of the screening test results to the District. Any applicant who refuses to authorize the release of this information will be considered for employment by the District based on other information and the lack of necessary medical information to determine whether the applicant can safely and satisfactorily perform potential job duties.

Legal Reference: PL 100-690, 5151-5160  
Education Code 44345, 44932, 48900, 48901  
County Code of Regulatory Ordinances, Section 32.801-32.804  
Adopted: 6/13/89  
Amended: 10/25/94

LEMON GROVE SCHOOL DISTRICT  
ALL PERSONNEL

AR 4112.41

Employee Drug Testing

Pre-employment Drug/Alcohol Screening

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

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

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

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

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

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

## **PROHIBITION OF CORPORAL PUNISHMENT**

Most school and District personnel are aware that since January 1, 1987, the infliction of corporal punishment upon any pupil is now prohibited, and that every local rule or regulation permitting corporal punishment is now void. These provisions appear in Sections 49000 and 49001 of the Education Code, as follows:

49000. The Legislature finds and declares that the protection against corporal punishment, which extends to other citizens in other walks of life, should include children while they are under the control of the public schools. Children of school age are at the most vulnerable and impressionable period of their lives and it is wholly reasonable that the safeguards to the integrity and sanctity of their bodies should be, at this tender age, at least equal to that afforded to other citizens.

49001. (a) For the purposes of the section "corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a pupil. An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this section. Physical pain or discomfort caused by athletic competition or other such recreational activity, voluntarily engaged in by the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this section.

(b) No person employed by or engaged in a public school shall inflict, or cause to be inflicted corporal punishment upon a pupil. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing the infliction of corporal punishment upon a pupil attending a public school is void and unenforceable.

### **Background Information**

Recent complaints to the State Department of Education indicate that, while most school personnel know that paddling has been banned, they may not know the kinds of behavior the Education Code permits or prohibits.

Letters to the State Superintendent, telephone calls from parents, inquiries from attorneys, and correspondence with Parents and Teachers Against Violence in Education – an international children's rights advocacy organization – allege that some school districts still permit a variety of abuses against pupils to occur. These include: making students perform push-ups for discipline, not allowing them to urinate when they need to, restraining them from movement, taping their mouths shut, locking them in "time-out" cubicles, allowing them to be bullied, forcefully grabbing them, strip-searching them, and using various forms of hitting, slapping, pinching, ear-pulling, and kicking.

## Opinion of the State Attorney General's Office

In a letter to Jordan Riak, President of Parents and Teachers Against Violence in Education, Deputy Attorney General Harlan Van Wye concluded that the prohibition against corporal punishment extends to any and all forms of willful pain infliction, and that it is "the causing of pain which is prohibited – not the particular method or methods by which it is caused."

### Examples of Physical Activities Permitted and Prohibited

Any kind of act that causes any kind of physical pain or discomfort in a pupil is prohibited, except for the specific situations cited in Education Code Section 49001(a). For clarification purposes, the following examples are offered for direction and guidance of school personnel:

1. Examples of PERMITTED Actions (NOT corporal punishment):

- ✓ Stopping a student from fighting with another student.
- ✓ Preventing a pupil from committing an act of vandalism.
- ✓ Defending yourself from physical injury or assault by a student.
- ✓ Forcing a pupil to give up a weapon or dangerous object.
- ✓ Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills.
- ✓ Engaging in group calisthenics, team drills, military maneuvers, or other physical education or voluntary recreational activities.

2. Examples of PROHIBITED Actions (corporal punishment):

- ✓ Hitting, shoving, pushing or physically restraining a student as a means of control (except actions allowed by Education Code Section 49001(a), stated above.)
- ✓ Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort.
- ✓ Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain.

When in doubt, the following course of action is recommended by Deputy Attorney General Van Wye (quoted from the letter dated January 8, 1988): "Obviously, should there be any doubt concerning whether or not a particular action by a school district employee has the effect of causing physical pain on a pupil, the course of action most consistent with the legislative intent would be to forgo such action."

### REVOCAION OF LICENSES

Any employee whose job description requires any type of licensing, including, but not limited to a California Drivers License, is required to notify the Superintendent immediately if the license is revoked, rescinded, or restrictions are placed upon the license. Failure to do so may result in disciplinary action.

### EMPLOYEES SUBJECT TO THE TESTING PROGRAM

This policy applies to every employee who, by virtue of driving a commercial motor vehicle, is required to obtain a commercial driver's license (CDL) issued by the State of California in

accordance with the standards contained in the Federal Highway Administration (FHWA) regulations, 49 CFR Part 383. Such drivers are called safety-sensitive drivers as respects this policy. The safety-sensitive drivers employed by the District are, but may not be limited to, School Bus Driver, Maintenance Technician, Transportation/Maintenance Supervisor, Head Bus Driver.

Adopted: 10/24/95

# **SECTION VII**

## **THE FINAL WORD**

This handbook is intended to provide you with basic information rather than the “final word” about the Lemon Grove School District and your rights, benefits and obligations as an employee. This is because each situation is different. Also, the rules and policies upon which this handbook is based are subject to change as revisions in programs or contracts occur. Therefore, you should usually consult your contract and school site procedures and policies if you have questions or need to verify information in this handbook. The Human Resources Office is always there to assist you with questions or problems about classified personnel practices, evaluation rules, or the contract. Please call 825-5739.