

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**PERSONNEL INDEX**

**BP 4000 SERIES**

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OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4000**

**ALL PERSONNEL**

**CONCEPTS AND ROLES**

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

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

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

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

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

*Legal Reference:*

EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

35160 Powers of governing board

GOVERNMENT CODE

3540-3549.3 Public education employer-employee relations

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4020**

**ALL PERSONNEL**

**DRUG AND ALCOHOL-FREE WORKPLACE**

The Board of Trustees believes that the maintenance of drug- and alcohol-free workplaces is essential to school and District operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school District workplace. These prohibitions apply before, during and after school hours. A school District workplace is any place where school District work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under District jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in District business.

The Superintendent or designee shall notify employees of these prohibitions.

An employee shall abide by the terms of this policy and notify the District, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

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

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

A classified employee may be reemployed after conviction of such an offense if the Board of Trustees determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The Board of Trustees may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug/alcohol assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

The Superintendent or designee shall establish a drug- and alcohol-free awareness program to inform employees about:

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**BOARD POLICY**

**BP 4020**

**ALL PERSONNEL**

**DRUG AND ALCOHOL-FREE WORKPLACE** (continued)

1. The dangers of drug and alcohol abuse in the workplace
2. The District policy of maintaining drug- and alcohol-free workplaces
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

*Legal Reference:*

**EDUCATION CODE**

44011 Controlled substance offense

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

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

**GOVERNMENT CODE**

8350-8357 Drug-free workplace

**UNITED STATES CODE, TITLE 20**

7111-7117 Safe and Drug Free Schools and Communities Act

**UNITED STATES CODE, TITLE 21**

812 Schedule of controlled substances

**UNITED STATES CODE, TITLE 41**

701-707 Drug-Free Workplace Act

**CODE OF FEDERAL REGULATIONS, TITLE 21**

1308.01-1308.49 Schedule of controlled substances

Policy Adopted: 7/25/89

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4020**

**PERSONNEL**

**DRUG AND ALCOHOL-FREE WORKPLACE**

**Notice To Employees**

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

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

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

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

(cf. 4112.42 - Drug and Alcohol Testing for School bus Drivers)

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

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

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4020**

**PERSONNEL**

**DRUG AND ALCOHOL-FREE WORKPLACE**

**Notice To Employees (continued)**

of a controlled substance offense as defined in Education Code 44011, the commission shall forth-with suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

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

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

Pursuant to Education Code 45304, the District must immediately place on compulsory leave of absence any classified employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 45304, the District may immediately place on compulsory leave of absence any classified employee charged with certain controlled substance offenses.

The following drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally:

Employee Support Systems Company  
309 North Rampart Street, Suite A  
Orange, CA 92868  
(800) 221-0945

(cf. 4159 - Employee Assistance Programs)

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

8/12/03



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4030**

**ALL PERSONNEL**

**NONDISCRIMINATION IN EMPLOYMENT**

The Board of Trustees prohibits unlawful discrimination against and/or harassment of District employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex or sexual orientation at any District site and/or activity. The Board of Trustees 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 or participates in unlawful discrimination, or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

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

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

The District's policy and administrative regulation shall be posted in all schools and offices including staff lounges and student government meeting rooms.

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

Deputy Superintendent/Assistant Superintendent, Human Resources  
17200 Pinehurst Lane  
Huntington Beach, California, 92647  
(714) 847-2551

**Other Remedies**

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

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**BOARD POLICY**

**BP 4030**

**ALL PERSONNEL**

**NONDISCRIMINATION IN EMPLOYMENT**

Other Remedies (continued)

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

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

*Legal Reference:*

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

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

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

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

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

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

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



OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 4030**

**ALL PERSONNEL**

**NONDISCRIMINATION IN EMPLOYMENT**

*Management Resources:*

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

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

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

*Notice of Non-Discrimination, January, 1999*

WEB SITES

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

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

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

Policy Adopted: 6/17/74

Policy Revised: 8/9/05

Police Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4030**

**ALL PERSONNEL**

**NONDISCRIMINATION IN EMPLOYMENT**

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. 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.

**ADMINISTRATIVE REGULATION**

**AR 4032**

**ALL PERSONNEL**

**REASONABLE ACCOMMODATION**

**Definitions**

Disability, with respect to an individual, is defined as any of the following:

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

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

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

Reasonable accommodations that an employer may need to provide in connection with modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities include, but are not limited to:

1. Making existing facilities accessible and usable
2. Restructuring the job duties
3. Offering part-time or modified work schedules
4. Acquiring or modifying equipment or devices
5. Changing tests, training materials or policies
6. Providing qualified readers or interpreters
7. Reassigning the employee to a vacant position

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

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Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4032

ALL PERSONNEL

REASONABLE ACCOMMODATION

Definitions (continued)

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

1. The nature and cost of the accommodation needed
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at this facility, the effect on expenses and resources of the facility, or the impact on the operations of the facility
3. The overall financial resources, size, number of employees, and the number, type and location of facilities of the District
4. The type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation
5. The impact of the accommodation on the operation of the facility

Requests for Reasonable Accommodation

The District designates the position specified in BP 4030 Nondiscrimination in Employment to coordinate its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate complaints.

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

When requesting reasonable accommodation during the hiring process, a job applicant shall inform the Assistant Superintendent, Human Resources, who will serve as the nondiscrimination in employment coordinator, that he/she will need a reasonable accommodation for the process.

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

**ADMINISTRATIVE REGULATION**

**AR 4032**

**ALL PERSONNEL**

**REASONABLE ACCOMMODATION**

Requests for Reasonable Accommodation (continued)

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

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

Upon receiving a request to reasonably accommodate a qualified employee with a disability, the Assistant Superintendent, Human Resources, shall:

1. Determine the essential functions of the job
2. Engage in an informal, interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness
3. Develop a plan for reasonable accommodation without imposing undue hardship on the District

To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation.

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

The Assistant Superintendent, Human Resources, may confer with the site administrator, the District medical advisor and/or other District staff before making a final decision as to the accommodation.

**ADMINISTRATIVE REGULATION**

**AR 4032**

**ALL PERSONNEL**

**REASONABLE ACCOMMODATION**

**Reasonable Accommodation Committee**

The Assistant Superintendent, Human Resources, may appoint a Reasonable Accommodation Committee to review or assist in the development of appropriate plans to reasonably accommodate an employee or qualified job applicant who has requested an adjustment in work duties or environment because of known physical or mental disabilities. The membership of this committee may change on a case-by-case basis. The committee may include:

1. A District administrator
2. A site administrator
3. A medical advisor or rehabilitation specialist
4. A certificated employee
5. A classified employee

Committee members shall be selected on the basis of their knowledge of the issues at hand, including:

1. The specific functions and duties required in the position
2. The physical work environment
3. Available accommodations

At the discretion of the Assistant Superintendent, Human Resources, the employee or applicant requesting accommodation may participate in or be excluded from committee meetings. If the employee or applicant is excluded from committee meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

The Assistant Superintendent, Human Resources, shall take steps to ensure the confidentiality of information related to medical conditions.

**ADMINISTRATIVE REGULATION**

**AR 4032**

**ALL PERSONNEL**

**REASONABLE ACCOMMODATION**

Appeal Process

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

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

The Superintendent or designee shall consult with the Assistant Superintendent, Human Resources, and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the employee or applicant his/her decision within 15 working days of receiving the appeal.

Any further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the Board of Trustees in accordance with the District's procedure for such complaints.

*Legal Reference:*

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

UNITED STATES CODE, TITLE 29

701-794e Vocational Rehabilitation Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act, especially:

35.107 Designation of employee

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

CODE OF FEDERAL REGULATIONS, TITLE 29

1630.2 Direct threat

COURT DECISIONS

*Echazabal v. Chevron USA, (9th Circuit, 2000) 226 F.3d 1063*

Web Site

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



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4040**

**ALL PERSONNEL**

**EMPLOYEE USE OF TECHNOLOGY**

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

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their employment.

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or District operations without authority.

**Online/Internet Services**

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

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email and stored files. Monitoring may occur at any time without advance notice or consent. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access. Encryption of files is prohibited.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4040**

**ALL PERSONNEL**

**EMPLOYEE USE OF TECHNOLOGY**

**Use of Cellular Phone or Mobile Communications Device**

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

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

*Legal Reference:*

EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

3543.1 Rights of employee organizations

PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

UNITED STATES CODE, TITLE 20

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

6777 Internet safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

CODE OF FEDERAL REGULATIONS, TITLE 47

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

*Management Resources:*

WEB SITES

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

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

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

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

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

Policy Adopted: 9/15/98

Policy Revised: 2/5/08

**ADMINISTRATIVE REGULATION**

**AR 4040**

**ALL PERSONNEL**

**EMPLOYEE USE OF TECHNOLOGY**

User Obligations and Responsibilities

Employees are authorized to use the District's on-line services in accordance with user obligations and responsibilities specified below.

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
2. Employee shall use the system only for purposes of their employment with the District. Commercial, political and/or personal use of the system is strictly prohibited. The District reserves the right to monitor any on-line communications for improper use.
3. Users shall not use the system to promote unethical practices or any activity prohibited by law or District policy.
4. Users shall not transmit material that is threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only and only in accordance with copyright laws.
6. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy District equipment or materials or the data of any other user.
7. Users shall not read other user's mail or files; they shall not attempt to interfere with other user's ability to send or receive electronic mail, nor shall they attempt to read delete, copy, modify or forge other user's mail.
8. Users are encouraged to keep messages brief.
9. Users shall report any security problem or misuse of the network to the Superintendent or designee.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(1) 4040**

**INTERNET SAFE AND RESPONSIBLE USE POLICY**

1. The Ocean View School District is providing Internet access to its employees and students. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The District has the right to place restrictions on use to ensure that use of the system is in accord with its limited educational purpose.
2. Student use of the District's Internet system will be governed by this policy, related District and school regulations, and the student disciplinary code established by Ocean View. Staff use will be governed by this policy, related District and school regulations, and District employment Board Policy 6163.4. Use of the District's technology resources is a privilege, not a right, and inappropriate use may result in the termination of those privileges. The District also reserves the right to refer employees or staff for disciplinary action in accordance with the appropriate policies and procedures.
3. By this policy, the District restricts access to its technological resources for work-related and education-related use. The District declares its ownership of the relevant hardware and software and asserts its right to review and exercise its ownership at any time by search of the system and its equipment and any information on it. Use of the Internet by student and staff shall be subject to monitoring and search, and staff and students should take notice that they have no expectation of privacy in any information contained on District-owned equipment.
4. The District makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through the District Internet system will be error-free or without defect. Parents of students will waive any and all claims against the District for any damage students may suffer, including but not limited to, loss of data, interruptions of service, or exposure to inappropriate material or people. The District is not responsible for the accuracy or quality of the information obtained through the system. The District will not be responsible for financial obligations arising through the unauthorized use of the system. Users or parents of users will indemnify and hold the District harmless from any losses sustained as the result of misuse of the system by user. Use of the system by students will be limited to those students whose parents have signed a disclaimer of claims for damages against the District.
5. The policy was developed with input and feedback from staff, students, parents, and community members. The policy represents the District's good faith efforts to promote the safe, ethical, responsible, and legal use of the Internet, support the effective use of the Internet for educational purposes, protect students against potential dangers in their use of the Internet, and ensure accountability.
  - a. The District will promote the effective, educational use of the Internet in school through professional development and the establishment of a District web site that will provide access to prescreened, appropriate, educationally-relevant material.
  - b. Student and staff users of the District Internet system will receive instruction regarding the safe, ethical, legal, and responsible use of the Internet and of the District's Internet system and their rights and responsibilities under this policy.
  - c. Student use and activities will be structured in a manner that is appropriate to the age and skills of students, recognizing the importance of providing more secure environments for younger students and supporting safe, responsible, independent use by older students.
  - d. The District will protect against access to materials that are considered inappropriate for users to access through the District Internet system in the following manner:

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(1) 4040**

**INTERNET SAFE AND RESPONSIBLE USE POLICY (continued)**

- i. The District regulations will designate certain categories of materials as Prohibited, Restricted, or Limited Access Material. Prohibited Material may not be accessed by the students or staff at any time, for any purpose. Students may access Restricted Material in the context of specific learning activities that have been approved by a teacher or by staff for professional development purposes. Limited Access Material is material that is generally considered to be non-educational or entertainment. Limited Access Material may not be accessed by students or staff.
- ii. The District will implement the use of a Technology Protection Measure, which is a specific technology that will protect against access to visual depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the District or school, the Technology Protection Measure may also be configured to protect against access to other material considered inappropriate for students to access.
- iii. The Technology Protection Measure may not be disabled at any time that students may be using the District Internet system, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act.
- iv. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.
- e. Student use of the District Internet system will be supervised by staff in a manner that is appropriate to the age of the students and circumstances of use.
- f. The District and schools will establish regulations and procedures to protect the safety and security of students when using Direct electronic communications.
- g. The Student Acceptable Use Agreement for Electronic and Resources will include requirements that address the following safe and responsible use issues:
  - i. Access to inappropriate material.
  - ii. Privacy and communication safety standards for self and others.
  - iii. Illegal activities, including computer security violations, actions taken to disrupt the performance of a computer system, and the use of the Internet to engage in other criminal acts.
  - iv. Inappropriate language, which is defined as language that is obscene, profane, lewd, vulgar, inflammatory, harassing or threatening.
  - v. Plagiarism and copyright infringement.
  - vi. Actions or use that may disrupt or jeopardize the security or effective performance of the District's network or the Internet.
- h. The District will protect against the unauthorized disclosure, use, or dissemination of personal or confidential information of students.
- i. The District will review contracts with third party providers of data management services to ensure compliance with federal and state student privacy laws.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(1) 4040**

**INTERNET SAFE AND RESPONSIBLE USE POLICY (continued)**

- j. The District will develop regulations for staff and students to ensure the protection of student personal information when accounts are established or information is provided by or about students on third party web sites.
- k. The District will develop regulations addressing the disclosure of student information, posting student-created material, and posting pictures of students on the District web site.
- 6. Each school will provide an annual written notice to the parents/guardians of students about the District Internet system, the policies governing its use, and the limitation of liability of the District. Parents/guardians must sign an agreement to allow their child to access the Internet. Upon receipt of the executed agreement, the student will be issued an Internet Use Permit (or some other method of designating permission). Parents/guardians have the right to request the termination of their child's Internet access at any time.
- 7. The District will develop copyright management regulations that will protect the rights of copyright holders, including students and staff, related to material that is accessed through or placed on the Internet.
- 8. The District will develop District web site regulations to promote the effective educational use of the Internet, protect the privacy rights and other rights of students and staff, limit potential liability of the District for the inappropriate placement of material, and present an image that will reflect well on the District, schools, staff, and students.
- 9. The administrative responsibilities of the District administrative staff related to the District Internet system are as follows:
  - a. The Superintendent, or his/her designee, will serve as the coordinator to oversee the District Internet system. The Superintendent is authorized to develop regulations and agreements for the use of the District Internet system that are in accord with this policy statement and other District policies.
  - b. The building administrator, or his/her designee, will serve as the building-level coordinator for the District Internet system, will develop building-level regulations necessary to implement this policy and District regulations, establish procedures to ensure adequate supervision of students using the system, maintain executed user agreements, and be responsible for enforcing this policy and related regulations at the building level.

Revised: 8/09



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(2) 4040**

**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS**

**A. Educational Purpose**

1. The District's Internet system has a limited educational purpose.
  - a. The District Internet system has been established for a limited educational purpose. The term 'educational purpose' includes work-related activities, classroom activities, continuing education, professional or career development, and high-quality, educationally-enriching personal research.
  - b. Use of the District's computing resources is a privilege, not a right. The District may place reasonable restrictions on the material you access or post through the system, and may revoke access to these resources if you violate the law or this policy. Violations of the law, policy or this regulation may be addressed through the appropriate disciplinary policy and procedures.
  - c. Students may not use the system for personal commercial purposes, including offering or purchasing products or services. Incidental personal use of the District's technological resources is permissible provided that it does not interfere with the employee's work or the District's technological resources.
  - d. As set forth in Education Code section 7054, users may not use the system to urge the support or defeat of any ballot measure or candidate for elected office. This provision shall not limit the use of the system by students or staff for the purposes of communicating with elected representatives or expressing views on political issues.

**B. Discipline for Violation of Policy**

1. The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to any illegal activities conducted through the District Internet system.
2. Staff and Middle School students (6-8) access to the District Internet system will require the use of an account name and password to enable individual users to be identified. Elementary students (K-5) may use the Internet through a classroom user account and password.
3. In the event there is a claim that you have violated this policy or student disciplinary code in your use of the District Internet system, you will be subject to discipline pursuant to the disciplinary policy and regulations. In addition to any consequences from the disciplinary policy and regulation, additional restrictions may be placed on your use of the Internet as the result of any violations.
4. Employee violations of this policy will be handled in accord with District policy.
5. Any files, electronic mail, and other information on the District's networks or equipment are subject to search at any time.

**C. Promoting the Effective Educational Use of the Internet**

1. The District will provide professional development opportunities for teachers in the effective use of the Internet for instructional purposes.
2. All sites linked to through the District web sites should be prescreened to ensure such sites are appropriate in light of the age of the student and relevant to the course objectives.
3. The District and teachers will seek to limit student exposure to commercial advertising and product promotion, especially advertising or promotion of youth-oriented products and services, in the development of the District or classroom web sites or other assignments utilizing the Internet.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

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**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

4. For students at the elementary school level, access to information on the web generally will be limited to access available through the District web site or through classroom web sites. Any access to material outside of such prescreened sites must be closely supervised by the teacher.
5. For students at the middle school level, access to information on the web generally should be through the District web site or through classroom web sites. Students may access sites outside of the District or classroom web site in a manner prescribed by District guidelines.

**D. Protections Against Access to Inappropriate Material**

**1. Inappropriate Material**

- a. The District has identified the following types of material as Prohibited, Restricted, and Limited Access Material.
  - i. Prohibited Material - Prohibited Material may not be accessed by the students or staff at any time, for any purpose. This material includes material that is obscene, child pornography, material that is considered harmful to minors, as defined by the Children's Internet Protection Act. The District designated the following types of materials as Prohibited: obscene materials, child pornography, material that appeals to a prurient or unhealthy interest in, or depicts or describes in a patently offensive way, violence, nudity, sex, death, or bodily functions, material that has been designated as for "adults" only, and material that promotes or advocates illegal activities.
  - ii. Restricted Material - Restricted Material may be accessed in the context of specific learning activities that have been approved by a teacher or by staff for legitimate research or professional development purposes. Materials that may arguably fall within the description provided for Prohibited Material that have clear educational relevance, such as material with literary, artistic, political, or scientific value, will be considered to be Restricted. In addition, Restricted Material includes materials that promote or advocate the use of alcohol and tobacco, hate and discrimination, satanic and cult group membership, school cheating, and weapons. Sites that contain personal advertisements or facilitate making on-line connections with other people are Restricted unless such sites have been specifically approved by the school.
- b. If a user inadvertently accesses material that is considered Prohibited or Restricted, he/she should immediately disclose the inadvertent access in a manner specified by the school. This will protect the user against an allegation that he/she has intentionally violated the policy.
- c. The determination of whether material is Prohibited, Restricted, or Non-educational shall be based on the content of the material and the intended use of the material, not on the protective actions of the Technology Protection Measure.

**2. Technology Protection Measure(s)**

- a. The District has selected a Technology Protection Measure(s) for use with the District Internet system and has specified the manner in which the Technology Protection Measure will be configured. The Technology Protection Measure will always be configured to protect against access to material that is obscene, child pornography, and material that is harmful to minors, as defined by the Children's Internet Protection Act. The District or individual schools may, from time to time, reconfigure the Technology Protection Measure to best meet the educational needs of the District or schools and address the safety needs of the students.

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**BOARD POLICY**

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**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

- b. The Technology Protection Measure may not be disabled at any time that students may be using the District Internet system, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. The Technology Protection Measure may be disabled during non-student use time for system administrative purposes.

**E. Supervision, Monitoring, Search and Seizure, and Retention of Records**

- 1. Student use of the District Internet system will be supervised by staff in a manner that is appropriate to the age of the students and circumstances of use. The building administrator, or his/her designee, will develop and disseminate staff supervision requirements for his/her respective school. Computers used by students in classrooms and labs will be positioned to facilitate effective staff supervision.
- 2. Users have no privacy expectations in the contents of their personal files and records of their on-line activity while on the District system.
- 3. Routine maintenance and monitoring of the system may lead to discovery that the user has or is violating District policy, regulations, or the law. An individual search may be conducted at District discretion. Individual search of user's e-mail will first be approved by a District administrator responsible for supervision of the student or staff or by the Superintendent or his/her designee. Students and staff have no expectation of privacy from review of any information contained in District-owned equipment at any time.
- 4. The Superintendent, or his/her designee, will implement an Internet records retention system that is in accord with state law. Internet records that are not subject to retention will be destroyed on a regular basis.

**F. Safety and Security of Students When Using Direct Electronic Communication**

- 1. The District will provide e-mail access for staff.
  - a. Elementary students may use e-mail through classroom accounts.
  - b. Staff and Middle School students will be provided with individual accounts. Staff will use a signature file that identifies who they are and their position with the District.
  - c. Students may not establish or access web-based e-mail accounts on commercial services through the District Internet system.
- 2. Students may use real-time electronic communication, only under the direct supervision of a teacher or in moderated environments that have been established to support educational activities and have been approved by the District or individual school.

**G. Illegal, Unauthorized, and Inappropriate Activities**

- 1. Illegal Activities
  - a. Users will not attempt to gain unauthorized access to the District Internet system or to any other computer system through the District system, or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files.



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**BOARD POLICY**

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**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

- b. Users will not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means.
- c. Users will not use the District Internet system to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, and threatening the safety of a person.

**2. Inappropriate Use and Activities**

- a. The use of cellular phones, pagers, or electronic signaling devices by students on campus is prohibited during normal school hours, unless such use is part of the instructional program and is authorized by the teacher. If a student brings such a device to school, it must remain off and must be stored in a locker, backpack, purse, pocket or other place where it is not visible during school hours.
- b. If such a device is observed or heard by school staff, it will be confiscated until redeemed by a parent or guardian. Repeated violations of this policy may result in discipline. If the device rings or is visible during testing, it will be confiscated and the student removed from the test situation. Exceptions to this policy may be granted by the site administrator for purposes relating to the health needs of a student.
- c. Photographing, videotaping or otherwise recording individuals without their permission is strictly prohibited.
- d. Cell phones, pagers, and electronic signaling devices may be used on campus before school begins and after school ends. The District is not responsible for lost or stolen cell phones, pagers, or electronic signaling devices. Due to the time required, the District will not investigate lost or stolen devices. Their security is the sole responsibility of the student.

**3. Inappropriate Language**

- a. Restrictions against inappropriate language apply to all speech communicated through the District Internet system, including, but not limited to, public messages, private messages, and material posted on web pages.
- b. Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, or threatening language.
- c. Users will not post information that, if acted upon, could cause damage or a danger of disruption.
- d. Users will not engage in personal attacks, including prejudicial or discriminatory attacks.
- e. Users will not harass or bully another person. Harassment is persistently acting in a manner that distresses or annoys another person. If a user is told by a person to stop sending him/her messages, he/she must stop. Cyber bullying is prohibited by state law and district policy.
- f. Users will not knowingly or recklessly post false or defamatory information about a person or organization.
- g. Users will not post or share information about other people that is private.
- h. Users will not post or share photographs of other people without their permission.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(2) 4040**

**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

**4. Plagiarism and Copyright Infringement**

- a. Users will not plagiarize works that they find on the Internet.
- b. Users will respect the rights of copyright owners in their use of materials found on, disseminated through, or posted to the Internet. Copyright infringement occurs when you inappropriately reproduce a work that is protected by copyright.

**H. System Security and Resource Limits**

**1. System Security**

- a. Users are responsible for the use of their individual account and should take all reasonable precautions to prevent others from being able to use their account, including protecting the privacy of their password.
- b. Users will immediately notify the system administrator if they have identified a possible security problem. Users will not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- c. Users will avoid the inadvertent spread of computer viruses by following the District virus protection procedures.

**2. Resource Limits**

- a. Users will not download large files unless absolutely necessary. If necessary, users will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to their personal computer or diskette.
- b. Users will not misuse District, school, or personal distributions lists or discussion groups for sending messages that are not work or school-related.
- c. Users will check their e-mail frequently, delete unwanted messages promptly.
- d. Users will subscribe only to approved discussion groups that are relevant to their education or professional/career development.
- e. Excessive use of the District Internet system may raise a reasonable suspicion that the student is using the system in violation of District policy and regulations.

**I. Protection of Student Confidentiality and Privacy**

1. All contracts with third-party providers of data management services for the District will be reviewed to ensure compliance with federal and state student privacy and records retention laws.
2. Staff transmission of student confidential information via e-mail will not be allowed.
3. Teachers will ensure the protection of student personal information when establishing any relationship with a third-party site or system.
  - a. Teachers may require, encourage, or allow students to establish individual accounts on a third-party site or system only under the following circumstances:

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E(2) 4040**

**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

- i. The establishment of the account is necessary to achieve identified educational purposes.
    - ii. There is no commercial advertising for youth interest products or services on the third-party system.
    - iii. Student personal information and student use data will not be collected, analyzed and/or used for commercial advertising or marketing purposes.
    - iv. A minimum amount of non-identifying information is collected for the purpose of establishing the account.
    - v. The third-party system has committed to maintain the privacy of any information provided.
    - vi. The third-party system provides a process by which a parent may access, review, and remove his/her child's account information.
  - b. Signed parental permission must be obtained prior to the establishment of the student account. Notice to the parent about proposed student accounts on third-party systems must include the following information:
    - i. The name, URL, and privacy policy of the third-party system.
    - ii. Description of the educational purpose for the establishment of the account.
    - iii. The period of time for which the account will be established.
    - iv. Information on how they can access their child's records on the third-party site.
    - v. The types of information the third-party provider will require students to disclose.
4. Students and staff will abide by the following privacy and communication safety standards when using the District Internet system, including use of electronic communications and the web.
  - a. Personal contact information includes the student's name together with other information that would allow an individual to locate the student, including, but not limited to, parent's name, home address or location, work address or location, or phone number.
  - b. It is not permissible to disclose the full name or any other personal contact information of elementary and middle school students.
  - c. Students will promptly disclose to their teacher or other school employee any message they receive that is inappropriate or makes them feel uncomfortable. Students should not delete such messages until instructed to do so by a staff member.
5. The following provisions address the disclosure of student information, posting student-created material, and posting pictures of students on the District web site. Parents must approve such disclosure and posting.
  - a. For students in elementary and middle school, the following standards apply: students will use a limited student identification (first name and last initial). Group pictures without identification of individual students are permitted. Student work may be posted with the limited student identification. All student posted work will contain the student's copyright notice using the limited student identification.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E(2) 4040**

**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

**J. Copyright Management**

1. The District will respect the copyright rights of students and staff.
  - a. Students own the copyright to their creative works, including works created using District resources. The Internet agreement signed by parents will include a request for permission from parents to post student work on the Internet. All student work posted on the Internet will contain a copyright notice indicating the ownership of that work by the student(s).
  - b. District staff own the copyright to works created outside of the scope of their employment responsibilities and without the use of District resources. District staff may post such work on the District web site to facilitate access by students and/or staff with advance approval of immediate supervisor. Notice of such posting and claim of ownership must be provided to District web publisher. By posting such work to the District's web site, the staff member will grant a non-exclusive license or permission for any staff or student within the District to freely use such work. ✓ ?
  - c. The District shall own the copyright on any works created by District staff within the scope of their employment responsibilities.
2. The District will promote respect for the copyright rights of others.
  - a. The District will provide instruction to staff and students on their rights and responsibilities with respect to the copyright ownership rights of others.
  - b. No material may be disseminated through the District Internet system or posted on the District Internet site unless that material is original, in the public domain, used in accord with the fair use provisions of the copyright law, or is disseminated or posted with permission of the copyright owner.

**K. District Web Site Regulations**

1. District Web Site
  - a. The District will establish a District web site. Material appropriate for placement on the District web site includes: District information, school information, teacher or class information, student projects, and student extracurricular organization information. **Personal, non-educationally related information will not be allowed on the District web site.**
  - b. The Superintendent will designate a District web publisher, responsible for maintaining the official District web site and monitoring all District web activity. The web publisher will develop style and content guidelines for official District and school web materials and develop procedures for the placement and removal of such material. All official District material originating from the District posted on the District web site must be approved through a process established by the District web publisher.
2. School Web Pages - The building principal or his designee will be responsible for managing the school web site and monitoring class, teacher, student, and extracurricular web pages. All official material originating from the school will be consistent with the District style and content guidelines and approved through a process established by the school principal.
3. Teacher or Classroom Web Pages - Teachers may establish web pages for use with class activities or that provide a resource for other teachers. Teachers will be responsible for maintaining their class or educational resource sites. Teacher's web pages must comply with the Internet Safe and Responsible Use Policy, this Regulation, and other relevant District policies and regulations. Because of the unfiltered nature of blogs, and



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**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.

4. Non-instructional Staff Web Pages – Non-instructional staff may develop web pages that provide a resource for others. Staff will be responsible for maintaining their resource sites. Staff web pages must comply with the Internet Safe and Responsible Use Policy, this Regulation, and other relevant District policies and regulations. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.
5. Student Web Pages
  - a. Students may create a web site as part of a class activity. Material presented on a student class activity web page must meet the educational objectives of the class activity. Such pages shall be strictly limited to the educational objectives and subject to the individual limitations of the school for that activity.
  - b. It will not be considered a violation of a student's right to free speech to require removal of material that fails to meet established educational objectives or that is in violation of a provision of the Student Internet Use Policy or student discipline policies and regulations. Student web pages must include the following notice: "This is a student web page. Opinions expressed on this page shall not be attributed to the District." The District reserves the right to remove any student web sites from the network at any time.
6. Web Page Requirements
  - a. All Internet Use Policy provisions, including those addressing inappropriate language, privacy, and copyright, will govern material placed on the District web site. Disciplinary policies and regulations will also govern such material.
  - b. Web pages shall not contain the identification information or pictures of the student or student work unless such provision has been approved by the student's parents/guardians.
  - c. Material placed on the web site is expected to meet academic standards of proper spelling, grammar, and accuracy of information.
  - d. All web pages will carry a stamp indicating when it was last updated and the e-mail address of the person responsible for the page.
  - e. All web pages should have a link at the bottom of the page that will help users find their way to the appropriate home page.
  - f. Users should retain a back-up copy of their web pages.
7. Web Site Concerns
  - a. The District, school, teacher and non-instructional staff web pages will have a "Web Site Concerns" link. This link will take the reader to a page that provides the following information:

Ocean View School District seeks to ensure that all materials placed on the District or school web sites are placed in accord with copyright law and do not infringe on the rights of or harm others in any way. To accomplish this we are taking three steps:

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**INTERNET SAFE AND RESPONSIBLE USE REGULATIONS (continued)**

- We have provisions in our Internet Use Policy that address copyright, defamation, harassment, invasion of privacy, and other harmful speech. <link to policy>
- We have established web site management procedures to review materials prior to their placement on the web site. <link to procedures>
- We will promptly respond to any issues of concern. If you have a concern about material placed on our web site, please contact us. <link to e-mail to an administrator who has the responsibility of promptly responding to any complaint>

Revised 8/09

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

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**STUDENT INTERNET USE POLICY**

This document sets forth the rights and responsibilities for students under the District's Internet Safe and Responsible Use Policy and Regulations.

**A. Educational Purpose**

1. The District Internet system has been established for a limited educational purpose. The term "educational purpose" includes classroom activities and high-quality educationally-enriching personal research.
2. Use of the District's computing resources is a privilege, not a right. The District may place reasonable restrictions on the material you access or post through the system, and may revoke access to these resources if you violate the law or this policy. Violations of the law or this policy may be addressed through the District's student conduct policy.
3. You may not use the District Internet system for commercial purposes. This means you may not offer, provide, or purchase products or services through the District Internet system.
4. As set forth in Education Code section 7054, users may not use the system to urge the support or defeat of any ballot measure or candidate for elected office. You may use the system to communicate with elected representatives and to express your opinion on political issues.

**B. Access to Materials**

1. The material you access through the District's Internet system should be for class assignments or for personal research on subjects similar to what you might study in a class or in the school library. Use for entertainment purposes, such as personal blogging, instant messaging, on-line shopping, or gaming is not allowed.
2. You will not use the District Internet system to access the following: material that is obscene; child pornography; material that depicts, or describes in an offensive way, violence, nudity, sex, death, or bodily functions; material that has been designated as for adults only; material that promotes or advocates illegal activities; material that promotes the use of alcohol or tobacco, school cheating, or weapons; or material that advocates participation in hate groups or other potentially dangerous groups.
3. The District has installed a Technology Protection Measure to protect against access to inappropriate material. The determination of whether material is appropriate or inappropriate is based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.
4. If you mistakenly access inappropriate information, you should immediately disclose this access in the manner specified by your school. This will protect you against a claim that you have intentionally violated this Policy.

**C. Safety Requirements**

(Students are not provided with District e-mail accounts.)

1. Personal contact information includes your name together with other information that would allow an individual to locate you, including, but not limited to, your parent's name, your home address or location, your work address or location, or your phone number.
2. If you are an elementary or middle school student, you will not disclose your full name or any other personal contact information for any purpose.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

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**STUDENT INTERNET USE POLICY**

**C. Safety Requirements (continued)**

3. You will not disclose names, personal contact information, or any other private or personal information about other students under any circumstances. You will not forward a message that was sent to another student privately without permission of the person who sent the student the message.
4. You will promptly disclose to your teacher or other school staff any message you receive that is inappropriate or makes you feel uncomfortable. You should not delete such messages until instructed to do so by a staff member.

**D. Illegal, Unauthorized, and Inappropriate Uses and Activities**

**1. Illegal Activities**

- a. You will not attempt to gain unauthorized access to the District Internet system or to any other computer system through the District Internet system or go beyond your authorized access. This includes attempting to log in through another person's account or access another person's files.
- b. You will not make deliberate attempts to disrupt the District Internet system or any other computer system or destroy data by spreading computer viruses or by any other means.
- c. You will not use the District Internet system to engage in any other unlawful act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, or threatening the safety of any person.

**2. Inappropriate Use and Activities**

- a. The use of cellular phones, pagers, or electronic signaling devices by students on campus is prohibited during normal school hours, unless such use is part of the instructional program and is authorized by the teacher. If a student brings such a device to school, it must remain off and must be stored in a locker, backpack, purse, pocket or other place where it is not visible during school hours.
- b. If such a device is observed or heard by school staff, it will be confiscated until redeemed by a parent or guardian. Repeated violations of this policy may result in discipline. If the device rings or is visible during testing, it will be confiscated and the student removed from the test situation. Exceptions to this policy may be granted by the site administrator for purposes relating to the health needs of a student.
- c. Photographing, videotaping or otherwise recording individuals without their permission is strictly prohibited.
- d. Cell phones, pagers, and electronic signaling devices may be used on campus before school begins and after school ends. The District is not responsible for lost or stolen cell phones, pagers, or electronic signaling devices. Due to the time required, the District will not investigate lost or stolen devices. Their security is the sole responsibility of the student.

**3. Inappropriate Language**

- a. You will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- b. You will not post information that could cause damage or a danger of disruption.



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**BOARD POLICY**

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**STUDENT INTERNET USE POLICY**

**3. Inappropriate Language (continued)**

- c. You will not engage in personal attacks, including prejudicial or discriminatory attacks.
- d. You will not harass or bully another person. Harassment is persistently acting in a manner that distresses or annoys another person. Cyber bullying is prohibited by state law and District policy.
- e. You will not knowingly or recklessly post false or defamatory information about a person or organization.
- f. You will promptly disclose to your teacher or another school employee any message you receive from any other student that is in violation of the restrictions on inappropriate language.
- g. You will not post or share information about other people that is private.
- h. You will not post or share photographs of other people without their permission.

**4. Plagiarism and Copyright Infringement**

- a. You will not plagiarize works that you find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.
- b. You will respect the rights of copyright owners in your use of materials found on, disseminated through, or posted to the Internet. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright.

**E. System Security and Resource Limits**

**1. System Security**

- a. You are responsible for your individual account and should take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person.
- b. You will immediately notify a teacher or the system administrator if you have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- c. You will avoid the inadvertent spread of computer viruses by following the District virus protection procedures.

**2. Resource Limits**

- a. You will use the system only for educational activities and research.
- b. You will not download files unless granted specific permission by your classroom teacher.

**F. No Reasonable Expectations of Privacy**

- 1. You should expect no privacy in the contents of your personal files on the District Internet system and records of your on-line activity. All student use of the Internet will be supervised and monitored. The District's monitoring of Internet usage can reveal all activities you engage in using the District Internet system. The District specifically asserts ownership of all information on its system.

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**BOARD POLICY**

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**STUDENT INTERNET USE POLICY**

**F. No Reasonable Expectations of Privacy (continued)**

2. Routine maintenance and monitoring of the District Internet system may lead to discovery that you have violated this policy, the student disciplinary code, or the law. An individual search will be conducted if there is reasonable suspicion that you have violated this policy, the student conduct policy, or the law. The investigation will be reasonable and related to the suspected violation.
3. Your parents have the right to request to see the contents of your computer and files at any time.

**G. Discipline**

1. The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the District Internet system.
2. In the event there is a claim that you have violated this policy or student disciplinary code in your use of the District Internet system, you will be subject to discipline pursuant to the disciplinary policy and regulations. In addition to any consequences from the disciplinary policy and regulation, additional restrictions may be placed on your use of the Internet as the result of any violations.

**H. Responsibility of Damages**

1. Your parents can be held financially responsible for any harm that may result from your intentional misuse of the system. You may only use the system if your parents have signed a disclaimer of claims for damages against the District.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(4) 4040**

**Student Acceptable Use Agreement for Electronic Resources**

The Internet is an important tool for you to use in your education. However, it is important that you are safe and responsible in your use of the Internet. In order to use the Ocean View School District network, you must follow these rules:

1. You should use the school's computers and network only for school-related work. This means that all the websites you access should be related to projects your teacher assigns you.
2. You should never write your full name or your home address, or telephone number online. You also should not write another student's full name or personal information online.
3. You should not harass or bully other people online, and you should not write information about another person that you know is not true. You should not use sexual, obscene, or threatening language in sending messages online.
4. You should never disclose your computer password to another person, except to a teacher or school administrator. You should never use another person's password to access the school's computer.
5. You should not take the ideas or writings of other people that you find on the Internet and present them as if they were your ideas or writings.
6. You should not make or share copies of copyrighted songs or albums, digital images, movies or other works.
7. You should not access any material on the Internet that is obscene or is for adults only. You also should not access any material that encourages illegal activities, or encourages the use of alcohol or tobacco.
8. You should understand that the information you access or post online is not private because it can be accessed by your teachers or administrators, and possibly by other people.

**You are expected to be a good citizen in all your communications. If your Internet usage at home or at school is disruptive to the school community, you may be disciplined according to the District's students discipline policy.**

**Student User Agreement**

I have read the above and agree to follow the Ocean View School District policy and rules. I understand that if I violate these rules, I may not be permitted to continue using the school's computers and I may be disciplined.

By signing below, I am granting permission to have my work published on the Internet with limited identification. Student work may include, but is not limited to, photography, audio and video files and archived participation in real-time electronic communication.

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

**STUDENT INFORMATION – For Office Use Only**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Student ID # \_\_\_\_\_ Grade \_\_\_\_\_

Parent's Name \_\_\_\_\_ Street Address \_\_\_\_\_

Home Phone \_\_\_\_\_

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(4) 4040**

**PARENT PERMISSION FORM**

**Dear Parent or Guardian:**

I have read the Ocean View School District Student Internet Use Policy, and the Ocean View School District Internet Safe and Responsible Use Policy and Regulation.

I, for myself, my heirs, personal representatives or assigns, do hereby release, waive, discharge, and covenant not to sue the District, its trustees, officers, employees, and agents from liability from any and all claims including the negligence of the District, its board members, officers, employees and agents, resulting in personal injury and/or property loss arising from, but not limited to, my child's use of, or inability to use, the District's computing system, including but not limited to claims that may arise from the unauthorized use of the system to purchase products or services or exposure to potentially harmful or inappropriate material or people. I understand that I can be held liable for damages caused by my child's intentional misuse of the system.

I will discuss the District's policy and this agreement with my child and instruct my child regarding any restrictions against accessing material that are in addition to the restrictions set forth in the District policy. I will emphasize to my child the importance of following the rules for personal safety.

I hereby give ( ) do not give ( ) permission for my child to use the Internet. I understand that this permission includes permission for my child to access information through the Web, receive e-mail communications through a class account, and engage in other educationally relevant electronic communication activities.

I hereby give ( ) do not give ( ) permission for the school to post student work on the Internet using limited student identification (first name and last initial or other school-developed identifier).

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent Name \_\_\_\_\_

Home Address \_\_\_\_\_ Phone \_\_\_\_\_

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(5) 4040**

**EMPLOYEE ACCEPTABLE USE AGREEMENT  
FOR ELECTRONIC RESOURCES**

I agree to abide by laws and policies in regard to my use of the District's technological resources, including but not limited to, the following:

- Internet Safe and Responsible Use Policy
- Internet Safe and Responsible Use Regulations

I understand that the Superintendent or designee may monitor the District's technological resources, including but not limited to email and voicemail, at any time without advance notice or consent. I understand that I have no rights to privacy with respect to any information or messages created, received or maintained on the District's technological resources, and agree to provide my passwords to appropriate District administrators/staff.

I acknowledge that the District does not have control of the information on the Internet, although it attempts to provide prudent and available barriers. Information on the Internet may contain material that is illegal, defamatory, inaccurate or potentially offensive to some people. The District does not endorse or condone such material, and will not be held responsible for it.

I understand that the District's network exists to support the District's educational responsibilities and mission. The District makes no warranties with respect to its network services and assumes no responsibilities for any damages or expenses that an employee may incur as result of his or her use of the network, or that may result from service interruptions or changes.

I understand that my use of the District's technological resources shall be for work-related purposes. I will not use the District's technological resources for illegal purposes, political purpose, or any other purposes prohibited by law, District policy or regulation. I will not use such resources to transmit threatening, obscene, or harassing materials. The District will not be held responsible if I engage in such activities.

I will not use the District's technological resources to interfere with or disrupt other users, services or equipment. Disruptions include, but are not limited to, distribution of unsolicited, non-work related materials, propagation of computer worms and viruses, and use of the resources to make unauthorized entry to any other resources accessible via the District's network.

It is assumed that information and resources accessible via the District's network are private to the individuals and organizations. Therefore, I will not use the District's network to access or distribute information or resources unless permission to do so has been granted by the owners or holders of rights to those resources or information.

I understand that if I violate the law, Board Policy or Regulations, or the provisions of this Agreement, my access to District technological resources may be terminated and/or I may be subject to discipline, up to and including dismissal from the District.

Name: \_\_\_\_\_  
(Please Print)

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

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

Supervisor's Signature: \_\_\_\_\_

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4100**

**CERTIFICATED PERSONNEL**

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

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

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

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

*Legal Reference:*

EDUCATION CODE

90 Definition, certificated and certified

44006 Certificated person

GOVERNMENT CODE

3543.2 Scope of representation



**BOARD POLICY**

**BP 4111**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**RECRUITMENT AND SELECTION**

The Board of Trustees desires to employ the most highly qualified and appropriate person available for each open position in order to improve student achievement and efficiency in District operations.

The Superintendent or designee shall recruit candidates for open positions based on an assessment of the District's needs for specific skills, knowledge, and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position, and shall disseminate job announcements to ensure a wide range of candidates.

The Superintendent or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

For each position, the Superintendent or designee shall present to the Board of Trustees one candidate who meets all qualifications established by law and the Board of Trustees for the position. No person shall be employed by the Board of Trustees without the recommendation or endorsement of the Superintendent or designee.

**Recruiting Incentives for Teachers**

Contingent upon available funding, the Superintendent or designee may provide incentives to recruit credentialed teachers to teach in any District school ranked in the bottom half of the state Academic Performance Index. Such incentives may include, but are not limited to, signing bonuses, improved work conditions, teacher compensation or housing subsidies.

*Legal Reference:*

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex  
44066 Limitations on certification requirement  
44259 Teaching credential; exception; designated subjects; minimum requirements  
44735 Incentive grants for recruiting teachers for low-performing schools  
44740-44741 Personnel Management Assistance Teams  
44750-44754.5 Regional teacher recruitment centers  
44830-44831 Employment of certificated persons  
44858 Age or marital status in certificated positions  
44859 Prohibition against certain rules and regulations re residency  
45103-45138 Employment (classified employees)  
49406 Examination for tuberculosis  
52051 Academic Performance Index

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4111**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**RECRUITMENT AND SELECTION**

*Legal Reference (continued):*

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, including:

12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens

1324b Unfair immigration related practices

UNITED STATES CODE, TITLE 42

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

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

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

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Leadership: Human Resources, 1996

WEB SITES

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

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

CalTeach: <http://www.calteach.org>

Education Job Opportunities Information Network: <http://www.edjoin.org>

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4111.2**

**ALL PERSONNEL**

**LEGAL STATUS REQUIREMENT**

The District shall hire only citizens and aliens who are lawfully authorized to work in the United States. The Superintendent or designee shall ensure that District employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

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

*Legal Reference:*

UNITED STATES CODE, TITLE 8

1324(a) Unlawful employment of aliens

1324(b) Unfair immigrant-related employment practices

CODE OF FEDERAL REGULATIONS, TITLE 8

274a.1-a.14 Control of Employment of Aliens

*Management Resources:*

WEB SITES

U.S. Citizenship and Immigration Service: <http://www.uscis.gov>

Policy Adopted: 2/5/08

**BOARD POLICY**

**BP 4112.2**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**CERTIFICATION**

The Superintendent or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

When a fully credentialed teacher is not available, the District may employ a person with a short-term staff permit or provisional internship permit under the conditions and limitations provided in state and federal law.

As necessary, all teachers of core academic subjects shall meet the requirements of the No Child Left Behind Act. (20 USC 6319, 7801; 5 CCR 6100-6125)

**National Board for Professional Teaching Standards Certification**

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

The Superintendent or designee shall inform all teachers about the program and how to acquire the necessary application and information materials. The Superintendent or designee may provide release time, fee support, a stipend upon completion, or other support to teachers participating in the program contingent upon funding.

*Legal Reference:*

**EDUCATION CODE**

8360-8370 *Qualifications of child care personnel*  
32340-32341 *Unlawful issuance of a credential*  
35186 *Complaints regarding teacher vacancy or misassignment*  
41520-41522 *Teacher Credentialing Block Grant*  
42647 *Drawing of warrants*  
44066 *Limitations on certification requirements*  
44200-44405 *Teacher credentialing, especially:*  
44225.6 *CTC annual report on availability of teachers*  
44251 *Period of credentials*  
44252 *Standards and procedures for issuance; proficiency testing of basic skills*  
44252.5 *State basic skills assessment required for certificated personnel*  
44258.9 *Monitoring of teacher assignments by county superintendent*  
44259 *Minimum requirements for teaching credential*  
44259.5 *Standards for teachers of all students, including English language learners*  
44270.3-44270.4 *Out-of-state credentials, administrative services*  
44274.2-44274.4 *Out-of-state credentials*  
44277 *Requirements for maintaining valid credentials*  
44279.1-44279.7 *Beginning Teacher Support and Assessment Program (BTSA)*  
44320.2 *Teachers Performance Assessment*  
44325-44329 *District interns*  
44330-44355 *Certificates and credentials*

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 4112.2**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**CERTIFICATION**

*Legal Reference (continued)*

44395-44399 National Board for Professional Teaching Standards  
44464 Period of validity of internship credential  
44468 Early completion of internship program  
44500-44508 Peer Assistance and Review Program for Teachers  
44662 Performance evaluation; Stull Act review  
44735 Teaching as a priority block grant  
44830-44929 Employment of certificated persons; requirement of proficiency in basic skills  
56060-56063 Substitute teachers in special education  
90530 Recruitment Centers  
CODE OF REGULATIONS, TITLE 5  
6100-6125 Teacher qualifications, No Child Left Behind Act  
80001-80674.6 Commission on Teacher Credentialing  
UNITED STATES CODE, TITLE 20  
6311 Parental notifications  
6312 District Title I plan  
6319 Highly qualified teachers  
7801 Definitions, highly qualified teacher  
CODE OF FEDERAL REGULATIONS, TITLE 34  
200.55-200.57 Highly qualified teachers  
200.61 Parent notification regarding teacher qualifications  
COURT DECISIONS  
*Association of Mexican-American Educators et. al. v. State of California and the Commission on Teacher Credentialing, (1993) 836 F.Supp. 1534*

*Management Resources:*

CSBA POLICY ADVISORIES  
*Teacher Credentialing Commission Eliminates Emergency Permits, August 2003*  
COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE  
*03-0021 Alignment of Emergency Permits and Credential Waivers with No Child Left Behind*  
COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS  
*Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002*  
*Standards of Quality and Effectiveness for Professional Teacher Preparation Programs, September 2001*  
*California Standards for the Teaching Profession, July 1997*  
U.S. DEPARTMENT OF EDUCATION GUIDANCE  
*Improving Teacher Quality State Grants, December 19, 2002*  
WEB SITES  
*CSBA: <http://www.csba.org>*  
*California Department of Education: <http://www.cde.ca.gov>*  
*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*  
*U.S. Department of Education: <http://www.ed.gov>*

Policy Adopted: 5/21/02

Policy Revised: 8/9/05

Policy Adopted: 2/5/08



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4112.2

CERTIFICATED PERSONNEL

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

CERTIFICATION

Registration

Each person employed by the District for a position requiring certification qualifications shall, within 60 days after beginning employment, register with the District a valid credential authorizing the person to work in that position. Certificated employees also shall register renewed credentials within 60 days after the renewal.

Basic Skills Proficiency Test

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

Certificated persons, who have not held a position requiring certification within 39 months of employment and who have not taken the state basic skills proficiency test may be hired as temporary employees, provided they pass a basic skills proficiency test developed and administered by the District. Such employees shall subsequently take the state test within one year of employment.

Out-of-State Credentials

The District may employ an out-of-state applicant who has met the requirements of Education Code 44274.2, 44275.3 or 44275.4 and obtained a preliminary or professional clear credential from the Commission on Teacher Credentialing.

A teacher prepared out of the state or country who has been issued a five-year California preliminary credential shall pass the state basic skills proficiency test described above within one year of the issuance date of the credential in order to be eligible to continue teaching. To be eligible for a professional clear credential, he/she must also meet legal requirements for subject matter competence, course completion, and either a fifth-year postsecondary program or an induction program for beginning teachers.

Emergency Substitute Teaching Permits

The District may employ persons with an emergency 30-day substitute permit for 30 days or less for any one teacher during the school year. Persons with an emergency substitute permit may be employed for 20 days or less in special education positions requiring certification, unless an extension has been approved by the Superintendent of Public Instruction.

**ADMINISTRATIVE REGULATION**

**AR 4112.2**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**CERTIFICATION**

Emergency Substitute Teaching Permits (continued)

Before employing such persons, the Superintendent or designee shall prepare and keep on file a signed statement of need. The statement of need shall describe the situation or circumstances that necessitate the use of a 30-day substitute permit holder and state either that a credentialed person is not available or that the available credentialed person(s) do not meet the District's specified employment criteria.

Emergency Teaching or Specialist Permits

Before employing persons with emergency teaching or specialist permits for more than 20 days in special education positions or for more than 30 days in other positions, the Board of Trustees shall document that it has made a diligent search for, but has been unable to recruit, a sufficient number of certificated teachers, including teacher candidates pursuing full certification through internships or other alternative programs.

The District's diligent search shall include, but is not limited to, distributing job announcements, contacting college and university placement centers, advertising in local newspapers, exploring the incentives included in the Teaching as a Priority block grant pursuant to Education Code 44735, participating in the state and regional recruitment centers established pursuant to Education Code 44751 and 90530, and participating in job fairs in the state.

The Board of Trustees shall certify by an annual resolution that it has made reasonable efforts to recruit a fully prepared teacher for the assignment.

For any assignment for which a suitable fully prepared teacher is not available, the District shall make reasonable efforts to recruit an individual in the following priority order:

1. A candidate who is scheduled to complete initial preparation requirements within six months
2. A candidate who is qualified to participate in an approved internship program in the region of the District

If a suitable person who meets these priorities is not available, the District may, as a last resort, request that the Commission on Teacher Credentialing approve the assignment of a person who does not meet the above criteria.

**ADMINISTRATIVE REGULATION**

**AR 4112.2**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**CERTIFICATION**

Emergency Teaching or Specialist Permits (continued)

The District shall submit to the Commission on Teacher Credentialing a declaration of need for fully qualified educators which shall be adopted by the Board of Trustees as a separate agenda item, not a consent item, during a regularly scheduled public Board of Trustees meeting.

The Board of Trustees' adopted declaration of need for fully qualified educators shall include:

1. The title(s) and number of each type of emergency permit that the District estimates it will need during the year based on previous year actual needs and enrollment projections, including each subject to be listed on emergency single subject teaching permits and the target language on emergency multiple subject or single subject teaching permits with bilingual cross-cultural emphasis

The Board of Trustees shall revise the declaration of need whenever the number of emergency permits and limited assignment permits exceed the estimate by 10 percent.

2. A brief description of efforts the District has made to locate and recruit individuals who hold the needed credentials
3. A description of efforts the District has made to establish alternative training options, including:
  - a. The names of institutions of higher education cosponsoring internships or other certification programs with the District or a brief explanation of why there are no such programs
  - b. An estimate of the number of pre-internship or internship programs, if any, that the District expects to employ during the year
  - c. A statement of whether the District has considered developing a plan to develop fully qualified educators in cooperation with other education agencies in the region pursuant to 5 CCR 80026.4, or a brief explanation of why the District has not considered such a plan

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4112.2**

**CERTIFICATED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**CERTIFICATION**

Emergency Teaching or Specialist Permits (continued)

4. Certification that there is an insufficient number of certificated persons who meet the District's specified employment criteria to fill necessary positions

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 4112.21**

**CERTIFICATED PERSONNEL**

**INTERNS**

The Board of Trustees may employ interns to fulfill the need for sufficient instructional staff and to provide future teachers an opportunity to link teaching theory with practice in order to meet state credentialing requirements. In addition, the District may employ teachers who already possess a preliminary or clear credential and are pursuing a credential in a different specialization as interns for positions that require such other credential.

The District may enter into partnership agreements with one or more approved teacher preparation programs sponsored by colleges or universities and/or may provide a District intern program with approval of the Commission on Teacher Credentialing (CTC). Any intern program in which the District participates shall be aligned with the preconditions and program standards adopted by the CTC.

The Superintendent or designee shall make reasonable efforts to recruit an intern from an approved program within the region whenever a teacher with a preliminary or clear credential is not available for a position requiring certification.

The Superintendent or designee shall ensure that any intern employed by the District possesses an appropriate intern credential and is adequately prepared for the responsibilities of the position.

An intern may be assigned to provide the same service as a holder of a regular multiple subject, single subject, or education specialist credential in accordance with the authorizations and grade/age level specified on the intern credential.

Terms of employment for interns shall be consistent with law and the District's collective bargaining agreement, as applicable.

Interns shall receive intensive, structured supervision and ongoing support by qualified personnel in order to enhance their instructional skills and knowledge. The Superintendent or designee shall ensure that District staff serving as supervisors, mentor teachers, or other support providers receive appropriate training to fulfill their responsibilities and that they maintain frequent communication with the interns they are assigned to assist.

Interns shall be provided with ongoing feedback regarding their performance and shall be formally evaluated in accordance with Board policy and the District's collective bargaining Agreement.

Upon receiving notification from the Superintendent or designee that an intern has successfully completed the program, the Board of Trustees may recommend to the CTC that the intern be awarded a preliminary credential.



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**INTERNS (continued)**

The Board shall regularly evaluate the effectiveness of the intern program(s) to determine whether changes are needed in the support and/or assignment of interns. The Board's evaluation shall be based on a report by the Superintendent or designee, including, but not limited to, data on student performance in classes taught by interns, feedback from interns and supervisors, and the number of interns who successfully complete the program and obtain general education or education specialist credentials.

*Legal Reference:*

EDUCATION CODE

300-340 English language education for immigrant children  
44225 Credentials, responsibilities of Commission on Teacher Credentialing  
44225.7 Priority for hiring fully prepared teachers  
44253.10 Qualifications to provide specially designed academic instruction in English  
44253.3-44253.4 Certificate to provide services to English learners  
44259 Teaching credential exception: Designated subjects: Minimum requirements  
44314 Subject matter programs, approved subjects  
44321 CTC approval of intern programs  
44325-44328 District interns  
44339-44341 Teacher fitness  
44450-44468 University internship program  
44830.3 Employing district interns  
44885.5 District interns classified as probationary employees  
CODE OF REGULATIONS, TITLE 5  
80021.1 Provisional internship permit  
80033 Intern teaching credential  
80055 Intern credential, extension for extenuating circumstances

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual 2008  
CL-840 Early Completion Option  
Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013  
Hiring Hierarchy in Education Code 44225.7, Coded Correspondence 13-01, January 30, 2013  
Intern Preservice, Support, and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 1306, June 3, 2013  
Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008  
SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014  
California Standards for the Teaching Profession, (CSTP) 2009

COURT DECISION

Renee v. Duncan, 686 F.3d 1002 (2012)

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Improving Teacher Quality State Grants, revised October 5, 2006

WEB SITES

CSBA: <http://www.csba.org>  
CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org>  
Commission on Teacher Credentialing Interns: [www.ctc.ca.gov/site-information/archived-content](http://www.ctc.ca.gov/site-information/archived-content)  
U.S. Department of Education: [www.ed.gov](http://www.ed.gov)

Policy Adopted: 02/05/08

Policy Revised: 12/13/22

## **ADMINISTRATIVE REGULATION**

**AR 4112.21**

### **PERSONNEL**

#### **INTERNS**

##### Memorandum of Understanding

Before interns employed by the District assume daily teaching responsibilities, a signed memorandum of understanding shall be in place between the District and the partner college/university detailing the support and supervision that will be provided to interns.

The memorandum of understanding shall include, but not be limited to:

1. Specific responsibilities of the program supervisor;
2. Qualifications, identification, terms of employment, roles and responsibilities, and training of individual(s) to provide on-site support to interns;
3. Allocation of additional personnel, time, and resources for interns who have not yet earned an English learner authorization;
4. Expectations regarding the type and frequency of support;
5. The process of communication between the program supervisor and on-site support personnel;
6. Documentation, monitoring, and evaluation of site support.

The District may enter into an agreement to employ college/university staff to supervise interns and may pay for the supervision of interns out of District funds. Salary payments may be met by proportionately reducing the salaries of paid interns, provided that no more than eight interns are supervised by one staff member, the District salary normally paid to interns is not reduced by more than one-eighth, and the intern is not paid less than the minimum salary required by the state for a regularly certificated teacher.

##### Support and Supervision of Interns

The Superintendent or designee shall collaborate with the college/university teacher preparation program to design structured guidance of interns, regular site-based support and supervision, and a sequence of supervised fieldwork that includes planned observations, consultations, reflections, and individual and small-group teaching opportunities.

Support and supervision provided to interns shall include the following:

1. Professional Development Plan: The Superintendent or designee shall, in cooperation with the college/university, counsel each intern and, with the concurrence of the intern, shall develop a plan for the intern to complete the requirements to earn a credential in the content or specialty area(s) of the intern credential.

## **ADMINISTRATIVE REGULATION**

**AR 4112.21**

### **PERSONNEL**

#### **INTERNS**

##### **Support and Supervision of Interns (continued)**

2. The plan shall include the components described in Education Code 44830.3, including, but not limited to, provisions for at least 120 clock hours (or the semester or quarter unit equivalent) of mandatory preservice training tailored to the grade level or class to be taught, additional instruction during the first semester or first year of service when required, and an annual evaluation of the intern.
3. Assignment of Mentor Teacher: Before an intern assumes daily teaching responsibilities, the Superintendent or designee shall assign him/her a mentor teacher who possesses a valid corresponding life or clear teaching credential and a minimum of three years of successful teaching experience.

The intern shall receive support from a mentor teacher who is assigned to the same school. If two or more mentor teachers are assigned to an intern, at least one of them shall be experienced in the curricular area(s) of the intern's assignment.

4. Support During School Year: Support and supervision shall include coaching, modeling, and demonstrating within the classroom. In addition, the intern shall receive assistance with course planning and with problem-solving regarding students, curriculum, and effective teaching methodologies.

Such support and supervision shall be provided for a minimum of 144 hours per school year, or, for late hires, four hours multiplied by the number of instructional weeks remaining in the school year. At least two hours of support and supervision shall be provided every five instructional days.

5. Additional Support Addressing the Needs of English Learners: For any intern who enters the intern program without a valid English learner authorization, bilingual authorization, or cross-cultural, language, and academic development certificate, the Superintendent or designee shall identify an individual who will be immediately available to assist the intern with planning lessons that are appropriately designed and differentiated for English learners, for assessing language needs and progress, and for support of language-accessible instruction through in-classroom modeling and coaching as needed. This individual may be the same mentor identified in item #3 above, provided he/she possesses an English learner authorization and will be immediately available to assist the intern.

## **ADMINISTRATIVE REGULATION**

**AR 4112.21**

### **PERSONNEL**

#### **INTERNS**

##### **Support and Supervision of Interns (continued)**

6. In addition, the District and college/university shall provide such interns with additional support and supervision, including in-classroom coaching, specific to the needs of English learners. Such support and supervision shall be provided for 45 hours per school year, or, for late hires, five hours multiplied by the number of months remaining in the school year.

An intern who passes the California Teaching English Learners examinations may be exempted from these requirements.

##### **Early Completion Option**

The Superintendent or designee shall inform qualified interns preparing for a multiple or single subject credential of the early completion option which allows them to challenge certain requirements of the intern program in areas where they have demonstrated competence.

In order to complete the intern program early and be recommended for a preliminary credential, candidates shall meet all requirements of the intern credential and the additional assessments and coursework specified in Education Code 44468.

##### *Legal Reference:*

300-340 English language education for immigrant children  
44225 Credentials, responsibilities of Commission on Teacher Credentialing  
44225.7 Priority for hiring fully prepared teachers  
44253.10 Qualifications to provide specially designed academic instruction in English  
44253.3-44253.4 Certificate to provide services to English learners  
44259 Teaching credential, exception; designated subjects; minimum requirements  
4314 Subject matter programs, approved subjects  
44321 CTC approval of intern programs  
44325-44328 District interns  
44339-44341 Teacher fitness  
44450-44468 University internship program  
44830.3 Employing district interns  
44885.5 District interns classified as probationary employees

##### *Management Resources:*

##### **COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**

Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013  
Preparation of Intern Credential Holders Prior to Service as Teacher of Record as an Intern, Coded Correspondence 08-03, March 3, 2008  
SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014  
California Standards for the Teaching Profession (CSTP), 2009 Court Decision Renee v. Duncan, 686 F.3d 1002 (2012) U.S. Department of Education Guidance Improving Teacher Quality State Grants, rev. October 5, 2006

##### **WEBSITES**

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ>

OCEAN VIEW SCHOOL District  
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**ADMINISTRATIVE REGULATION**

**AR 4112.21**

**PERSONNEL**

**INTERNS**

*Management Resources: (continued)*

Commission on Teacher Credentialing, Interns -

<https://simbli.eboardsolutions.com/SU/pQNR6V8YXwQOsVBWMntsqw>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg>

U.S. Department of Education - <https://simbli.eboardsolutions.com/SU/XcSsJimoslsh3XhJKy4tplus7wplusA>

Regulation Adopted: 12/13/22



## **ADMINISTRATIVE REGULATION**

**AR 4112.22**

### **PERSONNEL**

#### **STAFF TEACHING ENGLISH LEARNERS**

##### **Definitions**

English learner means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant.

Instruction for English Language Development (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English.

Specially Designed Academic Instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners.

Primary language instruction includes both primary language development designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and content instruction delivered in the primary language in any subject area.

##### **Teacher Qualifications**

Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

The District may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful.

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**ADMINISTRATIVE REGULATION**

**AR 4112.22**

**PERSONNEL**

**STAFF TEACHING ENGLISH LEARNERS**

*Legal Reference:*

EDUCATION CODE

306 Definition, English learner

44253.1-44253.11 Qualifications of teachers of English learners

44258.9 County superintendent review of teacher assignment

44259.5 Standards for teacher preparation

44380-44386 Alternative certification

44856 Employment of teachers from foreign countries

52160-52178 Bilingual-Bicultural Act of 1976

62001-62005.5 Evaluation and sunseting of programs

CALIFORNIA CODE OF REGULATIONS, TITLE 5

80015 Requirements for the CLAD certification or English learner authorization

80015.1-80015.4 Requirements for the CLAD, English learner authorization or bilingual authorization

80021 Short-Term Staff Permit

80021.1 Provisional Internship Program

80024.7-80024.8 Emergency CLAD and bilingual permits

UNITED STATES CODE, TITLE 20

6601-6651 Teacher and Principal Training and Recruiting Fund

6801-7014 Limited English proficient and immigrant students

7801 Definition of English learner

COURT DECISIONS

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

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Administrator's Assignment Manual

Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California

CL-622 Serving English Learners

CL-626B Bilingual Authorizations

CL-626C Cross-cultural, Language and Academic Development (CLAD) Certificate

CL-568 The Sojourn Certificated Employee Credential

CL-824 Certificate of Completion of Staff Development

WEB SITES

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

California Association for Bilingual Education: <http://www.gocabe.org>

California Department of Education, English Learners: <http://www.cde.ca.gov/sp/el>

California Teachers of English to Speakers of Other Languages: <http://www.catesol.org>

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

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

Regulation Adopted: 12/13/22

## **ADMINISTRATIVE REGULATION**

**AR 4112.23**

### **PERSONNEL**

#### **SPECIAL EDUCATION STAFF**

##### **Qualifications/Assignment of Special Education Teachers**

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

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

The Superintendent or designee may request that the CTC issue a special education limited assignment teaching permit which authorizes a qualified special education teacher, with his/her written consent, to serve outside the specialty area of his/her credential. If the teacher has not yet obtained permanent status, the Superintendent or designee shall assign one or more experienced educators in the special education subject area(s) of the permit, who have at least three years of full-time teaching experience in each of the subject area(s) of the permit, to provide guidance and assistance to the permit holder.

As needed, the District may apply to the CTC for an emergency permit for resource specialist services pursuant to 5 CCR 80023.2 and 80024.3.1.

When requesting either a limited assignment teaching permit or an emergency resource specialist permit, the Superintendent or designee shall submit a Declaration of Need for Fully Qualified Educators that satisfies the requirements of 5 CCR 80026 and has been approved by the Board at a regularly scheduled Board meeting.

If there is a need to immediately fill a classroom vacancy or a suitable credentialed teacher cannot be found after a diligent search, the Superintendent or designee may, as appropriate, apply to the CTC for a short-term staff permit pursuant to 5 CCR 80021, a provisional internship permit pursuant to 5 CCR 80021.1, or, as a last resort, a credential waiver.

Individuals providing related services to students with disabilities, including developmental, corrective, and other supportive and related services, shall meet the applicable qualifications specified in 5 CCR 3051-3051.24.

**ADMINISTRATIVE REGULATION**

**AR 4112.23**

**PERSONNEL**

**SPECIAL EDUCATION STAFF**

Qualifications/Assignment of Special Education Teachers (continued)

The Superintendent or designee shall provide ongoing professional development as needed to assist special education staff in updating and improving their knowledge and skills.

Whenever a candidate for a clear education specialist credential is employed by the District, the Superintendent or designee shall, within 60 days of employment, collaborate with the candidate and, as applicable, with the college or university to develop an individualized induction plan including supported induction and job-related course of advanced preparation.

Resource Specialists

The duties of resource specialists shall include, but are not limited to:

1. Providing instruction and services for students with disabilities whose needs have been identified in an IEP;
2. Conducting educational assessments;
3. Providing information and assistance for students with disabilities and their parents/guardians;
4. Providing consultation, resource information, and material regarding students with disabilities to staff members in the regular education program and the students' parents/guardians;
5. Coordinating special education services with the regular school program for each student with disabilities enrolled in the resource specialist program;
6. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team;
7. Providing services for secondary students that emphasize academic achievement, career and vocational development, and preparation for adult life.

Any student who receives resource specialist services shall be assigned to regular classroom teacher(s) for a majority of the school day, unless his/her IEP team approves enrollment in the resource specialist program for a majority of the school day.

## **ADMINISTRATIVE REGULATION**

**AR 4112.23**

### **PERSONNEL**

#### **SPECIAL EDUCATION STAFF**

##### Resource Specialists (continued)

Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

The District's resource specialist program shall be under the direction of a resource specialist who possesses the qualifications specified in Education Code 56362.

##### Caseloads

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

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

The average caseload for language, speech, and hearing specialists shall not exceed 55 cases, unless the SELPA plan specifies a higher average caseload and states the reasons for the higher average caseload. The maximum caseload for speech and language specialists exclusively serving children with disabilities age 3-5 years shall not exceed 40.

##### *Legal Reference:*

###### EDUCATION CODE

- 44250-44279 Credentials
  - 44256 Credential types, specialist instruction
  - 44258.9 County superintendent review of teacher assignment
  - 44265-44265.9 Special education credential
  - 44325-44328 District interns
  - 44830.3 Employing district interns
  - 56000-56865 Special education
  - 56195.8 Adoption of policies
  - 56361 Program options
  - 56362-56362.5 Resource specialist program
  - 56363.3 Maximum caseload; language, speech and hearing specialists
  - 56440-56441.7 Programs for individuals between the ages of three and five years; caseloads
  - 8264.8 Staffing ratios
- ###### CALIFORNIA CODE OF REGULATIONS, TITLE 5
- 3051.1-3051.24 Staff qualifications to provide related services to students with disabilities

OCEAN VIEW SCHOOL District  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

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**PERSONNEL**

**SPECIAL EDUCATION STAFF**

*Legal Reference (continued):*

3100 Waivers of maximum caseload for resource specialists  
80021 Short-term staff permit  
80021.1 Provisional internship permit  
80023.2 Emergency permits  
80024.3.1 Emergency Resource Specialist Permit  
80025.4 Substitute teaching, special education  
80026 Declaration of need for fully qualified educators  
80027.1 Special education limited assignment teaching permit  
80046.1 Added authorization to teach adapted physical education  
80046.5 Credential holders authorized to serve students with disabilities  
80047-80047.9 Credentials to provide instructional services to students with disabilities  
80048-80048.9.4 Credential requirements and authorizations  
80070.1-80070.6 Resource specialists  
UNITED STATES CODE, TITLE 20  
1400-1482 Individuals with Disabilities Education Act  
CODE OF FEDERAL REGULATIONS, TITLE 34  
300.8 Definition of autism  
300.34 Related services  
300.156 Special education personnel requirements

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS  
Special Education Teaching and Services Credentials, Added Authorizations in Special Education, and Limited Assignment Permits for California Prepared Teachers: Frequently Asked Questions, May 26, 2014  
Education Specialist Teaching and Other Related Services Credential Program Standards, 2012  
WEB SITES  
California Association of Resource Specialists and Special Education Teachers: <http://www.carsplus.org>  
California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>  
California Speech-Language-Hearing Association: <http://www.csha.org>  
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
National Association of Special Education Teachers: <http://www.naset.org>

Regulation Adopted: 12/13/22



**ADMINISTRATIVE REGULATION**

**AR 4112.24**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

Definitions

Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

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

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

Teacher Qualifications

To meet the teacher qualification requirements of the federal No Child Left Behind (NCLB) Act for staff newly hired to teach core academic subjects in Title I programs and all staff teaching core academic subjects by the end of the 2005-06 school year, a teacher shall meet all of the following conditions:

1. Hold at least a bachelor's degree
2. Have a credential or be currently enrolled in an approved intern program for less than three years
3. Demonstrate subject matter competency in accordance with the applicable requirements below

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

1. An elementary teacher who is new to the profession shall pass a validated statewide subject matter examination certified by the Commission on Teacher Credentialing (CTC).
2. An elementary teacher who is not new to the profession shall complete one of the following:
  - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes

**ADMINISTRATIVE REGULATION**

**AR 4112.24**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

**Teacher Qualifications (continued)**

- b. A high objective uniform state standard evaluation (HOUSSE), as described below, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher
- 3. A middle or high school teacher who is new to the profession shall pass or complete one of the following for every core academic subject currently assigned:
  - a. A validated statewide subject matter examination certified by the CTC
  - b. University subject matter program approved by the CTC
  - c. Undergraduate major in the subject taught
  - d. Graduate degree in the subject taught
  - e. Coursework equivalent to the undergraduate major
- 4. A middle or high school teacher who is not new to the profession shall pass or complete one of the following for every core subject currently assigned:
  - a. A validated statewide subject matter examination that the CTC has utilized to determine subject matter competence for credentialing purposes
  - b. University subject matter program approved by the CTC
  - c. Undergraduate major in the subject taught
  - d. Graduate degree in the subject taught
  - e. Coursework equivalent to the undergraduate major
  - f. Advanced certification or credential, such as certification from the National Board of Trustees for Professional Teaching Standards
  - g. A high objective uniform state standard evaluation (HOUSSE), as described below, to determine the teacher's subject matter competence in each of the academic subjects taught by the teacher

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.24**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

Teacher Qualifications (continued)

To demonstrate fulfillment of the HOUSSE option as described in item #2 or #4 above, a teacher who is not new to the profession shall use forms available through the California Department of Education to summarize his/her years of experience in the grade span or subject, core academic coursework in the assigned grade span or subject, standards-aligned professional development, and service to the profession in the relevant core academic content area. If this summation is insufficient to demonstrate competency, the evaluation shall include direct observation and portfolio assessment in the grade span or subject taught to determine whether the teacher meets Standards 3 and 5.1 of the California Standards for the Teaching Profession. If the teacher does not satisfactorily meet Standards 3 and 5.1, subject matter competency shall be demonstrated through completion of the Peer Assistance and Review Program for Teachers pursuant to Education Code 44500-44508 or other individualized professional development plan pursuant to Education Code 44664 aimed at assisting the teacher to meet Standards 3 and 5.1.

A teacher who has been determined by another school district in California to have met the teacher qualification requirements for the grade level and/or subject taught shall not be required to demonstrate again that he/she meets those requirements. A teacher who has been determined to meet the subject matter competency requirements outside of California shall be considered to have met those subject matter requirements for the particular subject and/or grade span in California.

A teacher shall not meet the teacher qualification requirements of the NCLB if he/she is teaching:

1. With an emergency permit
2. With a supplemental authorization, except where the supplemental authorization is based on a major or a major equivalent in the subject taught, or a local authorization for the subject taught
3. With a state or local waiver for the grade or subject taught
4. As a pre-intern

Certification of Compliance

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

**ADMINISTRATIVE REGULATION**

**AR 4112.24**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

Certification of Compliance (continued)

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

District Plan for Highly Qualified Teachers

Within the District's Title I plan, the Superintendent or designee shall develop a plan for ensuring that all teachers of core academic subjects will meet NCLB requirements no later than the end of the 2005-2006 school year.

As part of this plan, the Superintendent or designee shall provide high-quality professional development designed to enable teachers to meet the NCLB requirements.

Parent Notifications

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teachers, including but not limited to:

1. Whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree
4. Whether the student is provided services by paraprofessionals and, if so, their qualifications

In addition, the Superintendent or designee shall provide timely notice to individual parents/guardians of students attending a Title I school whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher of a core academic subject who does not meet NCLB teacher qualification requirements.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.24**

**CERTIFICATED PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

**Parent Notifications** (continued)

The notice and information provided to parents/guardians shall be in an understandable and uniform format, and to the extent practicable, be provided in a language that the parents/guardians can understand.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E(1) 4112.24**

**PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

(Sample Exhibit)

**ATTESTATION REGARDING QUALIFICATIONS OF TITLE I TEACHERS**

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

School: \_\_\_\_\_ Principal: \_\_\_\_\_

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

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

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date



OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E(2) 4112.24**

**PERSONNEL**

**TEACHER QUALIFICATIONS UNDER THE NO CHILD LEFT BEHIND ACT**

**Parental Notification Of Teacher Qualifications**

To Parents/Guardians:

Your child is attending a school receiving Title I federal funds through the No Child Left Behind (NCLB) Act. This federal law requires that parents/guardians be notified when a teacher who has not demonstrated that he/she meets the NCLB teacher requirements has taught their child for four or more consecutive weeks.

Under the NCLB, teachers of core academic subjects are required to hold state certification and demonstrate subject matter competency for the grade span or subject matter taught. Newly hired Title I teachers must meet the NCLB requirements when hired. All other teachers have until the end of the 2005-06 school year to meet the requirements.

These requirements help us to ensure that all our students receive the best education by teachers who are highly skilled and knowledgeable in their subject areas. Our school district is currently working to determine that our teachers meet these requirements and, if necessary, help teachers meet the requirements through additional support and training.

Currently, a teacher who is authorized to teach in California, but who has not yet completed the process for meeting the NCLB requirements, has taught your child for four or more consecutive weeks. Under the law, school districts have until June 2006 to determine if all their teachers meet the federal requirements. Therefore, your child's teacher may meet the requirements and has just not had the opportunity to demonstrate that he/she does.

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.3**

**ALL PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

**OATH OR AFFIRMATION**

All District employees are declared by law to be disaster service workers and thus shall take the oath or affirmation required for disaster service workers before beginning employment with the District. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, all District employees are subject to disaster service activities as assigned to them by their supervisors or by law.

The Superintendent, Deputy or Assistant Superintendent, Principal or other person authorized in Education Code 60 shall administer the oath or affirmation when a District employee is hired.

In the case of intermittent, temporary, emergency or successive employments, the Superintendent or designee may determine that the oath shall be effective for all successive periods of employment which begin within one calendar year from the date that the oath was subscribed.

The Superintendent or designee shall file the executed oath or affirmation within 30 days of the date on which it is taken and subscribed. An employee's oath or affirmation may be destroyed five years after the termination of employment.

**Reimbursement of Expenses for Disaster Service Workers**

Whenever an employee seeks compensation or reimbursement of expenses as a disaster service worker, the Superintendent or designee shall ascertain and certify that the employee has taken the oath or affirmation.

**Legal Reference:**

**EDUCATION CODE**

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation required for credential

44354 Administration of oath required for credential

**GOVERNMENT CODE**

3100-3109 Oath or affirmation of allegiance

**CALIFORNIA CONSTITUTION**

Article 20, Section 3 Oath of office

**COURT DECISIONS**

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

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

**CALIFORNIA CONSTITUTION**

Article 20, Section 3 Oath of office

**COURT DECISIONS**

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

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

Regulation Adopted: 8/9/05

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

BOARD POLICY

E 4112.3

ALL PERSONNEL

Appointment and Conditions of Employment

Oath or Affirmation

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

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

\_\_\_\_\_  
(Signature)

Certified by:

\_\_\_\_\_  
(Person who administers the oath)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.4**

**ALL PERSONNEL**

**HEALTH EXAMINATIONS**

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee. (Education Code 49406)

Whenever the district contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

**ADMINISTRATIVE REGULATION**

**AR 4112.4**

**ALL PERSONNEL**

**HEALTH EXAMINATIONS**

Tuberculosis Tests (continued)

An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is inflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, the district shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

The certificate shall be completed and submitted directly to the district by an authorized health care provider. The medical examination referenced in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Certificated employees and/or retirants shall be required to periodically undergo, at district expense, a medical examination pursuant to Education Code 44839 or 44839.5 to determine that they are free from any communicable disease making them unfit to instruct or associate with children. (Education Code 44839, 44839.5)



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.4**

Mental Examination for Certificated Employees

Whenever the Board is considering the suspension or transfer of a certificated employee based on its reasonable belief that the employee is suffering from mental illness of such a degree as to render him/her incompetent to perform his/her duties, the employee shall be offered the opportunity of being examined by a three-member panel of psychiatrists and psychologists in accordance with Education Code 44942. The employee shall select the members of the panel from a list of psychiatrists and psychologists provided by the district. The examination shall be conducted, at district expense, within 15 days of the ordered suspension or transfer. The employee shall submit to the examination, but shall also be entitled to present a report of any psychiatrist, psychologist, or physician of his/her own choice. (Education Code 44942)

*Legal Reference:*

EDUCATION CODE

44839 Medical certificate; periodic medical examination

44839.5 Requirements for employment of retirant

44932 Grounds for dismissal of permanent employee

44942 Suspension or transfer of certificated employee on ground of mental illness

45122 Physical examinations

49406 Examination for tuberculosis

BUSINESS AND PROFESSIONS CODE

2700-2838 Nurses

3500-3546 Physician assistants

HEALTH AND SAFETY CODE

121525 Private and parochial school employees, examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired persons

5503 Physical examination for employment of retired persons

5504 Medical certification procedures

COURT DECISIONS

Doe v. Lincoln Unified School District, (2010) 188 Cal.App.4th 758

Leonel v. American Airlines, Inc., (2005) 400 F.3d. 702

Raven v. Oakland Unified School District, (1989) 213 Cal.App.3d 1347

*Management Resources:*

WEB SITES

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

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

Public Health Institute: <http://www.phi.org>

U.S. Food and Drug Administration: <http://www.fda.gov>

Regulation Adopted: 04/14/15



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4112.5

CERTIFICATED PERSONNEL

APPOINTMENTS AND CONDITIONS OF EMPLOYMENT

CRIMINAL RECORD CHECK

Applicants for Employment

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards, for processing by the Department of Justice. If the District is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who has been convicted of a violent or serious felony as listed in Penal Code 667.5© or 1192.7(c), unless that person has obtained a certificate of rehabilitation and a pardon.

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2.

Current Employees

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony.

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay.

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.5**

**CERTIFICATED PERSONNEL**

**APPOINTMENTS AND CONDITIONS OF EMPLOYMENT**

**CRIMINAL RECORD CHECK**

*Legal Reference:*

EDUCATION CODE

44010 Sex offense  
44332.6 Criminal record check, county Board of Trustees of education  
44346.1 Applicants for credential, conviction of a violent or serious felony  
44830.1 Certificated employees, conviction of a violent or serious felony  
44830.2 Certificated employees; interagency agreement  
44836 Conviction of a sex offense  
45122.1 Classified employees, conviction of a violent or serious felony  
45125 Use of personal identification cards to ascertain conviction of crime  
45125.01 Classified employees; interagency agreements  
45125.5 Automated records check  
45126 Duty of Department of Justice to furnish information

PENAL CODE

667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation  
11105.2 Subsequent arrest notification

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information  
708 Destruction of criminal offender record information

*Management Resources:*

WEB SITES

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4112.6

ALL PERSONNEL

PERSONNEL FILES

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

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall permit the employee to inspect the personnel records at the location where the District stores the personnel records, with no loss of compensation to the employee.

Any employee wishing to inspect his/her personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee.

Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations.

The Superintendent or designee shall not be required to make available to the employee:

1. Records relating to the investigation of a possible criminal offense.
2. Letters of reference.
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4112.6

ALL PERSONNEL

PERSONNEL FILES

File Review by Employee (continued)

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

File Review by Management and Board of Trustees

Management personnel or District legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

Board of Trustees is not individually allowed to request and access personnel files but the Board of Trustees may request pertinent information from an employee's file in cases of personnel action.

*Legal Reference*

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4112.61**

**CERTIFICATED PERSONNEL**

**EMPLOYMENT REFERENCES**

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal.4th 1066

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4112.61**

**CERTIFICATED PERSONNEL**

**EMPLOYMENT REFERENCES**

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment.

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition or another employee's resigning or withdrawing action against the District.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP4112.8**

**PERSONNEL**

**EMPLOYMENT OF RELATIVES**

It is the intent of the Board of Trustees to avoid any situation wherein there may arise a conflict of interest or other problems resulting from employment and assignment of relatives.

"Close relative" is defined as: mother, father, grandmother, grandfather, child or grandchild of the employee or of the spouse/cohabitant of the employee, and the spouse, son-in-law, daughter-in-law, brother, sister, brother-in-law, or sister-in-law of the employee, or any cohabitant or person having a principal place of residence in the immediate household of the employee. "Cohabitants" is defined as persons living together.

A Board member shall not be deemed to be financially interested in a contract between the Board and the Board member's minor child as long as the Board member's interest in the contract is disclosed to the Board, noted in the minutes of the Board, and thereafter, the Board authorizes, approves or ratifies the contract by a vote sufficient for the purpose. The Board member shall abstain from voting on the contract and shall not attempt to influence other members of the Board to approve the contract. (Government Code 1091)

A Board member shall not be deemed to be interested in a contract between the Board member's spouse and the district, provided the Board member's spouse has been employed by the District for at least one year prior to the Board member's selection or appointment. (Government Code 1091.5)

Close relatives of a Board member may be employed following disclosure of the relationship by the Board member in a public meeting and sufficient vote of appointment without counting the vote of the related Board member. This disclosure shall also be required when considering for employment, relatives of the Superintendent, Associate Superintendents, Chief Business and Financial Officer, Assistant Superintendents, or Fiscal Administrator.

No District officer or employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, retention, tenure, compensation, promotion, termination, other employment status, or interest of a close relative.

Close relatives of an administrative staff member may be recommended for employment following disclosure of the relationship. They shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position unless that line relationship can be resolved by transfer of a person or unit from that line of authority.

A close relative of a Board member or administrative staff member may be employed on a competitive basis among persons who are eligible, as provided by law.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP4112.8**

**PERSONNEL**

**EMPLOYMENT OF RELATIVES** (continued)

Close relatives may be employed at the same department or work location when, in the judgment of the Superintendent or designee, that relationship will not create a disruptive or hostile environment for employees of that department. (Exception: Close relatives shall not be approved in direct or indirect line of supervision.)

*Legal Reference:*

EDUCATION CODE

35233 Prohibitions

GOVERNMENT CODE

1090-1097 Prohibitions applicable to specified officers

1125-1128 Incompatible activities

12940 Unlawful employment practices, exceptions

82028 Definitions "Gifts"

82030 Definitions "Income"

82033 Definitions "Interest in real property"

82034 Definitions "Investment"

87100 et seq. Conflicts of interest

87200 et seq. Disclosure

87300 et seq. Conflict of interest code

91000 et seq. Enforcement

Policy Adopted: 11/04/08

Policy Revised: 04/14/15

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4113**

**CERTIFICATED PERSONNEL**

**ASSIGNMENT**

In order to serve the best interests of students and the educational program, the Board of Trustees authorizes the Superintendent or designee to assign certificated personnel to positions for which their preparation, certification, experience, and aptitude qualify them.

Teachers may be assigned to any school within the District in accordance with the collective bargaining agreement.

Teachers shall be assigned to teach core academic subjects in Title I and non-Title I programs in accordance with the requirements of the No Child Left Behind Act pertaining to teacher qualifications.

The Superintendent or designee may assign holders of a credential other than an emergency permit, with their consent, to teach subjects outside their credential authorization in departmentalized classes. The Superintendent or designee shall, with the assistance of subject matter specialists, develop procedures to verify the subject matter knowledge of the teacher before any such assignment is made.

The Superintendent or designee shall periodically report to the Board of Trustees on any teacher misassignments or vacancies. He/she shall report to the Board of Trustees the results of the County Superintendent's review of District misassignments and vacancies, and shall provide recommendations for remedying any identified issues.

*Legal Reference:*

EDUCATION CODE

33126 School accountability report card

35035 Additional powers and duties of superintendent

35186 Complaint process

37616 Assignment of teachers to year-round schools

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignments of teachers

44395-44398 Incentives for assigning NBPTS-certified teachers to high-priority schools

44824 Assignment of teachers to weekend classes

44955 Reduction in number of employees

GOVERNMENT CODE

3543.2 Scope of representation

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

*Management Resources:*

WEB SITES

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

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

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

Policy Adopted: 2/5/08

**ADMINISTRATIVE REGULATION**

**AR 4113**

**CERTIFICATED ASSIGNMENT**

**PROCEDURES FOR VERIFYING SUBJECT MATTER KNOWLEDGE**

With the involvement of appropriate subject matter specialists, the Superintendent or designee shall develop and employ procedures for verifying the subject matter knowledge of teachers assigned to teach in departmentalized classes outside their credential authorization pursuant to Education Code 44258.3. For the purposes of these procedures, subject matter specialists are curriculum specialists, resource teachers, classroom teachers certified to teach a subject, staff to regional subject matter projects or curriculum institutes, or college faculty.

Procedures to be used for this purpose shall specify:

1. One or more of the following ways in which subject matter competence shall be assessed:
  - a. Observation by subject matter specialists
  - b. Oral interviews
  - c. Demonstration lessons
  - d. Presentation of curricular portfolios
  - e. Written examinations
2. Specific criteria and standards for verifying subject matter knowledge by any of the above methods. These criteria shall include, but need not be limited to, evidence of the individual's knowledge of the subject matter to be taught, including demonstrated knowledge of the curriculum framework for the subject and the specific content of the District's course of study for the subject at the grade level to be taught.

Verification of the subject matter competence of teachers assigned to core academic subjects in Title I and non-Title I programs shall be based on procedures and criteria specified in 5 CCR 6100-6115.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4113.4**

**ALL PERSONNEL**

**TEMPORARY MODIFIED/LIGHT-DUTY ASSIGNMENT**

The Board of Trustees recognizes that, when employees have temporarily disabling medical conditions, temporary modified or light-duty assignments can allow the District to continue to use their valuable knowledge, skills, and abilities while minimizing time away from work. Temporary modified/light-duty assignments may also serve to facilitate the employee's transition back to his/her regular duties or full-time work.

Any employee may request a modified or light-duty assignment when he/she has a temporary medical condition which prevents the performance of the essential functions of his/her current assignment or position. The Superintendent or designee shall determine, on a case-by-case basis, whether a suitable temporary position currently exists to accommodate the physical restrictions specified by the employee's medical provider.

An employee's initial assignment to a temporary modified or light-duty position shall be for a limited duration, not to exceed 30 days. At the end of the initial assignment, the employee may request that the Superintendent or designee extend the assignment. When requesting any such extension, the employee shall submit documentation from his/her medical provider verifying that the employee is still temporarily disabled and is not medically able to return to his/her regular assignment. Temporary assignments generally shall not exceed 90 days, but may be extended at the discretion of the Superintendent or designee for an additional 90 days upon verification by the employee's medical provider that such an extension will allow the employee to return to unrestricted regular duties.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with District's insurance policy.

*Legal Reference:*

EDUCATION CODE

44984 Required rules for industrial accident and illness leave

45192 Industrial accident and illness leave for classified employees

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

12945.1-12945.2 California Family Rights Act

UNITED STATES CODE, TITLE 29

2601-2654 Family Care and Medical Leave Act

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Raine v. City of Burbank, (2006) 135 Cal.App.4th 1215

*Management Resources:*

WEB SITES

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

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

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4115**

**CERTIFICATED PERSONNEL**

**EVALUATION/SUPERVISION**

The Board of Trustees believes that regular and comprehensive evaluations can help instructional staff improve their teaching skills and raise students' levels of achievement. Evaluations also serve to hold staff accountable for their performance. The Superintendent or designee shall evaluate the performance of certificated staff members in accordance with law, negotiated employee contracts and Board of Trustees-adopted evaluation standards.

Objective standards from the National Board for Professional Teaching Standards and/or the California Standards for the Teaching Profession shall be reviewed and may be incorporated in District evaluation standards with the agreement of the exclusive representative of the certificated staff.

Evaluation procedures may include observation of teacher performance in the classroom.

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the District.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When areas needing improvement are identified, the Board of Trustees expects employees to accept responsibility for improving their performance. The Superintendent or designee shall assist employees in improving their performance and may require participation in appropriate programs. Staff members are encouraged to take initiative to request assistance as necessary to promote effective teaching.

*Legal Reference:*

EDUCATION CODE

33039 *State guidelines for teacher evaluation procedures*

35171 *Availability of rules and regulations for evaluation of performance*

44500-44508 *Peer assistance and review program for teachers*

44660-44665 *Evaluation and assessment of performance of certificated employees (the Stull Act)*

GOVERNMENT CODE

3543.2 *Scope of representation*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*

7801 *Definition of highly qualified teacher*

*Management Resources:*

CTC PUBLICATIONS

*Standards for the Quality and Effectiveness for Beginning Teacher Support and Assessment Programs, 1997*

*California Standards for the Teaching Profession, 1997*

WEB SITES

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

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

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

National Board of Trustees for Professional Teaching Standards: <http://www.nbpts.org>

Policy Adopted: 8/13/96

Policy Revised: 8/9/05

Policy Revised: 2/5/08

**ADMINISTRATIVE REGULATION**

**AR 4115**

**CERTIFICATED PERSONNEL**

**EVALUATION/SUPERVISION**

The Superintendent or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties.

Certificated employee performance shall be evaluated on a continuing basis as follows:

1. At least once each school year for probationary personnel.
2. At least every other year for personnel with permanent status.

Permanent employees who receive an unsatisfactory evaluation shall be assessed annually until they receive a satisfactory evaluation or are separated from the District.

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria:

1. Students' progress toward District standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments.
2. The instructional techniques and strategies used by the employee.
3. The employee's adherence to curricular objectives.
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests.

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities.

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in their employee's performance. If an employee is not performing satisfactorily according to teacher standards approved by the Board of Trustees pursuant to Education Code 44662, the Superintendent or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Superintendent or designee shall confer with the employee, make specific recommendations as to areas needing improvement and endeavor to provide assistance to the employee in his/her performance.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4115**

**CERTIFICATED PERSONNEL**

**EVALUATION/SUPERVISION**

Any employee who receives an unsatisfactory rating in the area of teaching methods or instruction shall participate in the District's peer assistance and review program.

The Superintendent or designee may require any instructional employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the District's instructional objectives.

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of the school year in which the evaluation takes place. Before the last day of the school year, the employee and the evaluator shall meet to discuss the evaluation.

Noninstructional certificated staff members employed on a 12-month basis shall receive a copy of their evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation.

Instructional and noninstructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4116**

**CERTIFICATED PERSONNEL**

**PROBATIONARY/PERMANENT STATUS**

Probationary Status

Probationary employees shall receive training, assistance and evaluations consistent with their needs as new teachers. Such training and assistance may consist of inservice training and/or meetings with the employee's evaluator to discuss areas of strength and areas requiring improvement. Inservice training may be provided during school hours as part of a comprehensive staff development program.

The performance of each probationary employee shall be evaluated and assessed at least once every school year.

Permanent Status

Granting of permanent status shall be based on completion of the probationary period in accordance with applicable law. Employees granted permanent status acquire specific rights under the Education Code, including those relating to discipline and dismissal.

*Legal Reference:*

EDUCATION CODE

- 44466 Status of university interns
- 44850.1 No tenure in administrative or supervisory position
- 44885.5 Status of District interns
- 44908 Complete year for probationary employees
- 44911-44913 Service not computed in eligibility for permanent status
- 44915 Classification of probationary employees
- 44917-44921 Status of substitute or temporary employees
- 44929.20 Continuing contracts (not to exceed four years - ADA under 250)
- 44929.21 Districts of 250 ADA or more
- 44929.23 Districts with less than 250 ADA
- 44929.28 Employment by another District
- 44930-44988 Resignations, dismissals and leaves of absence, especially:
- 44948.2 Election to use provisions of Section 44948.3
- 44948.3 Dismissal of probationary employees

Policy Adopted: 8/13/96

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4117.14**

**CERTIFICATED/MANAGEMENT PERSONNEL**

**RETIRED TEACHERS/CLASS SIZE REDUCTION PROGRAM**

The Superintendent or designee may hire State Teachers Retirement System (STRS) members who retired from service with an effective date on or before July 1, 1998, to provide direct instruction to students in grades kindergarten through 12 to help meet the objectives of the Class Size Reduction Program. These teachers shall be exempt from the limitation on earnings specified in Education Code 24214(d), (f) and (g) for STRS members.

Such employees shall either provide direct classroom instruction to students in classrooms that were created to meet the objectives of the Class Size Reduction Program pursuant to Education Code 51000-53006, or temporarily fill a position that was vacated due to a teacher transferring within the District to a classroom that was created to meet the objectives of the Class Size Reduction Program, pursuant to Education code 51000-53006.

These teachers shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the District. The compensation shall be established in accordance with Education Code 24214(b) and agreed to in the collective bargaining agreement between the District and the exclusive representative for the bargaining unit.

The Superintendent or designee shall submit documentation required by STRS to substantiate the eligibility of the temporary employment of a retired member for the exemption from the limitation on earnings.

The Superintendent or designee shall maintain accurate records of the retired member's compensation earned and shall report that compensation monthly to STRS regardless of the method of payment or the source of funds from which the compensation is paid.

*Legal Reference:*

EDUCATION CODE

22119.5 Creditable service

24214 Creditable service by retiree

24216.5 Exemption

44830 Employment of certificated employees

44830.3 Employment of district interns

51000-53006 General instructional programs, especially:

52120-52128 Class Size Reduction Program

*Management Resources:*

WEB SITES

STRS: <http://www.strs.ca.gov>

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4117.2**

**CERTIFICATED**

**PERSONNEL RESIGNATION**

Any District employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

The Board of Trustees authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

*Legal Reference:*

EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLES

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

*American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829*

Policy Adopted: 04/08/14

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4117.3**

**CERTIFICATED PERSONNEL**

**PERSONNEL REDUCTION**

The Board of Trustees may reduce the number of certificated employees, or their hours and wages, due to any of the following conditions:

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost
2. Reduction or discontinuance of programs or services
3. State-mandated modification of the curriculum
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent

The Board of Trustees recognizes that its authority in the reduction of personnel is subject to legal requirements. Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service.

To be considered competent, an employee must have academic training and one year of full-time experience in the specialized area to which the District would be able to assign him/her. The District will also consider recent experience of the employee.

*Legal Reference:*

EDUCATION CODE

44830 Employment of certificated persons  
44949 Dismissal of probationary employees  
44955 Reduction in number of permanent employees  
44955.5 Termination of certificated employees  
44956-44959.5 Rights of employees

GOVERNMENT CODE

3543.2 Scope of representation

COURT DECISIONS

California Teachers Association v. Vallejo City Unified School District, (2007) 149 Cal.App.4th 135  
Bakersfield Elementary Teachers Association v. Bakersfield City School District, (2006) 145 Cal.App.4th 1260  
Cousins v. Weaverville Elementary School District, (1994) 24 Cal.App.4th 1846  
Forker v. Board of Trustees of Trustees, (1984) 160 Cal.App.3d 13  
Moreland Teachers Assoc. v. Kurze, (1980) 109 Cal.App.3d 648  
King v. Berkeley Unified School District, (1979) 89 Cal.App.3d 1016

*Management Resources:*

WEB SITES

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

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4117.7**

**CERTIFICATED PERSONNEL**

**EMPLOYMENT STATUS REPORTS**

Within 30 days of any change in the employment status of a credential holder working in a position requiring a credential made as a result of an allegation of misconduct, the Superintendent shall report the change to the Commission on Teacher Credentialing. The report shall be made whenever one of the following actions is taken as a result of alleged misconduct:

1. Dismissal
2. Nonreelection/nonreemployment
3. Suspension for more than 10 days
4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action
5. Resignation or other departure from employment

The report shall contain all known information about each alleged act of misconduct by the employee.

The report shall be made regardless of any proposed or actual agreement, settlement or stipulation between the District and the employee not to make such a report. The report shall also be made if the allegations are withdrawn in consideration of the employee's resignation, retirement or other failure to contest the truth of the allegations.

The Superintendent shall inform the employee in writing of the contents of 5 CCR 80303 upon a change in employment status as a result of alleged misconduct.

The Superintendent or designee may notify the Commission on Teacher Credentialing of any of the following:

1. A complaint received by the District regarding a credential holder's alleged sexual misconduct.

The notice shall contain all of the following information:

- a. Name of the employee alleged to have engaged in the sexual misconduct.
- b. Name, age and address of each victim of the alleged sexual misconduct.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4117.7**

**CERTIFICATED PERSONNEL**

**EMPLOYMENT STATUS REPORTS**

- c. A summary of all information known to the District regarding the alleged sexual misconduct.
  - d. A summary of the action, if any, taken at the District level in response to the complaint of sexual misconduct.
2. Refusal, without good cause, to fulfill a valid employment contract, or departure from District service without the consent of the Superintendent or Board of Trustees.
3. Knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee.
4. Knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program.

*Legal Reference:*

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

*Management Resources:*

WEB SITES

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

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



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.1**

**ALL PERSONNEL**

**CIVIL AND LEGAL RIGHTS**

The Board of Trustees believes that the personal life of an employee is not an appropriate concern of the District, except as it may directly relate to the employee's performance of his/her duties.

An employee's religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the District, provided that these activities do not violate law, Board policy, or administrative regulation.

A teacher shall have the right to refuse to submit to any evaluation or survey conducted by the District concerning personal values, attitudes, and beliefs; sexual orientation; political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs.

Employees do not have a reasonable expectation of privacy with regards to District property under an employee's control including, but not limited to, desks, classrooms, offices, file cabinets, computers, or phones. As necessary to protect the health, welfare, or safety of students and staff, school officials may search such items in order to uncover evidence that the employee is violating the law, Board policy, administrative regulation, or other rules of the District or school.

**Whistleblower Protection**

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the District or a District employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity.

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General.

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.1**

**ALL PERSONNEL**

**CIVIL AND LEGAL RIGHTS**

**Whistleblower Protection (continued)**

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the District's complaint procedures. After filing a complaint with the District, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

**Protection Against Liability**

No employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or District responsibilities. For the protection against liability to apply, the act or omission must be in conformity with federal, state, and local laws and must be in furtherance of an effort to control, discipline, expel, or suspend a student, or to maintain order or control in the classroom or school.

The protection against liability shall not apply when:

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

*Legal Reference:*

**EDUCATION CODE**

*200-262.4 Prohibition of discrimination on the basis of sex*

*7050-7058 Political activities of school officers and employees*

*44040 Discrimination based on employee's appearance before certain Board of Trustees or committees*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.1**

**ALL PERSONNEL**

**CIVIL AND LEGAL RIGHTS**

*Legal Reference (continued)*

44110-44114 Reporting by school employees of improper governmental activity

49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12951 Discrimination prohibited; unlawful practices

LABOR CODE

1102.5-1106 Whistleblower protections

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

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

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

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

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Garcetti v. Ceballos, (2006) 543 U.S. 1186

O'Connor v. Ortega, (1987) 480 U.S. 709

New Jersey v. T.L.O., (1985) 468 U.S. 325

*Management Resources:*

WEB SITES

California Attorney General: <http://caag.state.ca.us>

Policy Adopted: 8/9/05

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.11**

**ALL PERSONNEL**

**SEXUAL HARASSMENT**

The Board of Trustees prohibits sexual harassment of District employees and job applicants. The Board of Trustees also prohibits retaliatory behavior or action against District employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the District's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. Any District employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, District administrator or Superintendent.

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

Complaints of sexual harassment shall be filed in accordance with AR 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.

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.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.11**

**ALL PERSONNEL**

**SEXUAL HARASSMENT**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

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

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

*Management Resources:*

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

Policy Adopted: 11/17/92

Policy Revised: 8/9/05

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4119.11

ALL PERSONNEL

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 expressly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the 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 performance; creating an intimidating, hostile or offensive work environment; or 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 of actions that might constitute sexual harassment, whether committed by a supervisor, an employee, or non-employee, in the work or education setting, include but are not limited to:

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4119.11**

**ALL PERSONNEL**

**SEXUAL HARASSMENT** (continued)

Prohibited sexual harassment may also include 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 the Board policy and this administrative 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 schools 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 the Equal Employment Opportunity Commission.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4119.11

ALL PERSONNEL

SEXUAL HARASSMENT (continued)

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4119.11**

**CERTIFICATED PERSONNEL**

**Rights, Responsibilities and Duties**

**Civil And Legal Rights**

**Sexual Harassment**

**GUIDELINES TO PROTECT YOURSELF AGAINST  
ABUSE/HARASSMENT ALLEGATIONS**

Every year teachers in the normal performance of their duties unknowingly put themselves at risk for allegations (usually spurious) of abuse or harassment from their students. Strict adherence to the following guidelines will minimize your chances of being accused of one or more of these allegations.

1. Avoid touching students and, if necessary, touch students only for educational reasons and in only ways that are clearly non-sexual. Be especially sensitive to students who react in even the slightest negative degree to being touched.
2. NEVER touch a student in anger.
3. Never arrange to meet a student away from school without prior written parental permission.
4. Avoid keeping a student for any length of time in an isolated part of the building or in a closed classroom where no other adults are around.
5. Never, except in a true emergency, transport a student in your automobile without prior written parent consent.
6. Never ask a student not to tell their parents about an incident which has occurred.
7. Never say or write anything to a student that you would not be comfortable sharing with the student's parents or District administration.
8. Avoid good natured "joking" that could be misconstrued by any of your students.
9. Avoid giving students repeated compliments that focus physical attributes.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4119.11**

**CERTIFICATED PERSONNEL**

**Rights, Responsibilities and Duties**

**Civil and Legal Rights**

**Sexual Harassment**

GUIDELINES TO PROTECT YOURSELF AGAINST  
ABUSE/HARASSMENT ALLEGATIONS (continued)

10. Teachers of students with special needs who may occasionally require physical intervention should make sure that such intervention is included in the student's IEP and that all classroom aides and the site administrator understand the nature of the intervention before it occurs.

Examples of conduct which may constitute sexual harassment, whether committed by a supervisor, any other employee, nor non-employee doing business with the school district, are:

1. Unwelcome leering, staring, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Unwelcome graphic verbal comments about an individual's body or overly personal conversation.
4. Unwelcome sexual jokes, stories, drawings, pictures or gestures.
5. Unwelcome spreading of sexual rumors.
6. Unwelcome touching of an individual's body or clothes in a sexual way.
7. Cornering or blocking of a sexual nature of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.

In simple terms, sexual harassment is deliberate and/or repeated sexual or sex-based behavior that is not welcome and not asked for.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.21**

**ALL PERSONNEL**

**PROFESSIONAL STANDARDS**

The Board of Trustees expects District employees to maintain the highest ethical standards, follow District policies and regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of the District and advance the goals of the educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of District students.

The Board of Trustees encourages District employees to accept as guiding principles the professional standards and codes of ethics adopted by professional associations to which they may belong.

*Legal Reference:*

CODE OF REGULATIONS, TITLE 5  
80331-80338 Rules of conduct for professional educators

*Management Resources:*

CDE PUBLICATIONS  
*California Professional Standards for Educational Leaders, 2001*  
COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS  
*Standards for School Leaders, 1996*  
NATIONAL EDUCATION ASSOCIATION PUBLICATIONS  
*Code of Ethics of the Education Profession, 1975*  
WEB SITES  
CDE: <http://www.cde.ca.gov>  
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>  
Association of California School Administrators: <http://www.acsa.org>  
California School Leadership Academy: <http://www.csla.org>  
Council of Chief State School Officers: <http://www.ccsso.org>  
California Teachers Association: <http://www.cta.org>  
California Federation of Teachers: <http://www.cft.org>  
California School Employees Association: <http://www.csea.com>

Policy Adopted: 5/21/02  
Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4119.21**

**CERTIFICATED PERSONNEL**

Rights, Responsibilities and Duties

Professional Standards

Code of Ethics of the Education Profession

Preamble

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

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

Principle I - Commitment to the Student

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

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

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.



**BOARD POLICY**

**E 4119.21**

**CERTIFICATED PERSONNEL**

Rights, Responsibilities and Duties

Professional Standards

Code of Ethics of the Education Profession (continued)

6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.

**Principle II - Commitment to the Profession**

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

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

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

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.

**BOARD POLICY**

**E 4119.21**

**CERTIFICATED PERSONNEL**

**Rights, Responsibilities and Duties**

**Professional Standards**

**Code of Ethics of the Education Profession (continued)**

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

Source: National Education Association, 1975



**BOARD POLICY**

**BP 4119.23**

**ALL PERSONNEL**

**UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The Board of Trustees recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

**Disclosure of Closed Session Information**

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board of Trustees authorizes disclosure of that information.

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board of Trustees to meet lawfully in closed session.

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy.

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The District shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is:

1. Making a confidential inquiry or complaint to a District attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board of Trustees action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of a Board of Trustees action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

**BOARD POLICY**

**BP 4119.23**

**ALL PERSONNEL**

**UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

**Other Disclosures**

An employee who willfully releases confidential/privileged information about the District, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

*Legal Reference:*

**EDUCATION CODE**

35010 Control of District; prescription and enforcement of rules

35146 Closed sessions

35160 Authority of governing Board of Trustees

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49079 Pupil records

**GOVERNMENT CODE**

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

**UNITED STATES CODE, TITLE 20**

1232g Family Education Rights and Privacy Act

*Management Resources:*

**WEB SITES**

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.25**

**ALL PERSONNEL**

**POLITICAL ACTIVITIES OF EMPLOYEES**

The Board of Trustees respects the right of school employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the District.

Like other community members, employees may use school facilities for meetings under the Civic Center Act.

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

*Legal Reference:*

EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

GOVERNMENT CODE

3543.1 Rights of employee organizations

COURT DECISIONS

*Downs v. Los Angeles Unified School District*, (9th Cir. 2000) 228 F.3d 1003

*California Teachers Association v. Governing Board of Trustees of San Diego Unified School District*, (1996) 45 Cal.App. 4th 1333

*L.A. Teachers Union v. L.A. City Board of Trustees of Education*, (1969) 71 Cal.2d 551

ATTORNEY GENERAL OPINIONS

84 Ops. Cal. Atty. Gen. 106 (2001)

84 Ops. Cal. Atty. Gen. 52 (2001)

77 Ops. Cal. Atty. Gen. 56 (1994)

PERB RULINGS

*California Federation of Teachers, Local 1931 v. San Diego Community College District* (2001) PERB Order #1467 (26 PERC 33014)

*Management Resources:*

CSBA PUBLICATIONS

*Political Activities of School Districts: Legal Issues, 1998, revised 2001*

WEB SITES

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

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

Public Employment Relations Board of Trustees: <http://www.perb.ca.gov>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4119.25**

**ALL PERSONNEL**

**POLITICAL ACTIVITIES OF EMPLOYEES**

District employees shall not:

1. Use District funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board of Trustees.
2. During working hours and on school property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions.
3. During working hours and on school property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures.
4. Use school time to urge the passage or defeat of any ballot measure or candidate.
5. Use school equipment for the preparation or reproduction of political campaign materials.
6. Post or distribute political campaign materials on school property.
7. Disseminate political campaign materials through the District's mail service, e-mail or staff mail boxes.
8. Use students to write, address or distribute political campaign materials.
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of opposing views.
10. Wear buttons or articles of clothing that express political opinions on ballot measures or candidates during instructional time.

Although employees may not conduct political activities on school property during working hours, they are free to discuss politics and solicit or receive funds or contributions for political purposes outside the employees working hours including the lunch period or other scheduled work break during the day.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4119.25**

**ALL PERSONNEL**

**POLITICAL ACTIVITIES OF EMPLOYEES**

**Employee Organizations**

Employee organizations may use District mailboxes and other means to communicate with employees, subject to reasonable regulation.

Access to District communications channels shall be limited only if such access would be disruptive to District operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

Recognized employee organizations and their representatives may solicit or receive political funds or contributions from employee members on District property during nonworking time to promote the passage or defeat of any ballot measure.

**BOARD POLICY**

**BP 4119.41**

**ALL PERSONNEL**

**EMPLOYEES WITH INFECTIOUS DISEASE**

The Board of Trustees encourages each employee to inform the District as soon as possible if he/she contracts an infectious disease which creates a physical or mental disability. The Board of Trustees will reasonably accommodate the needs of such individuals.

The Board of Trustees may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and without posing significant health or safety risks to the employee or others.

The Superintendent or designee shall prepare a confidential report which includes his/her recommendation and the medical information upon which it is based. These recommendations shall take into consideration:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting

This report shall be forwarded to the Board of Trustees for confidential review and action.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4119.41**

**ALL PERSONNEL**

**EMPLOYEES WITH INFECTIOUS DISEASE**

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health which might affect his/her assignment.

**Confidentiality**

The Board of Trustees and the Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The District shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

*Legal Reference:*

CIVIL CODE

56-56.37 Confidentiality of medical information

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

120975-121020 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2,

7293.5 et seq.

UNITED STATES CODE, TITLE 29

701-797a Rehabilitation Act of 1993

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

COURT DECISIONS

School Board of Trustees of Nassau County, Fla. v. Arline, 408 U.S. 273 (1987)



**ADMINISTRATIVE REGULATION**

**AR 4121**

**OTHER CERTIFICATED PERSONNEL**

**TEMPORARY/SUBSTITUTE PERSONNEL**

Hiring

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board of Trustees may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The District shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee.

Classification

The Board of Trustees may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service.

The Board of Trustees may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board of Trustees shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness.

The Board of Trustees also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term.
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term.
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the District.
4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of District business during an emergency when persons are not immediately available for probationary classification.

**ADMINISTRATIVE REGULATION**

**AR 4121**

**OTHER CERTIFICATED PERSONNEL**

**TEMPORARY/SUBSTITUTE PERSONNEL**

Classification (continued)

At the time of initial employment and each July thereafter, the Board of Trustees shall classify substitute and temporary employees as such.

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed.

*Time of initial employment* means before the employee starts work.

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented, and evaluated.

Qualifications

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions.

Qualifications for Special Education

Any person employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law.

A noncredentialed person shall not substitute for any special education certificated position.

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. Upon application by the District, the Superintendent of Public Instruction may approve an extension of 20 school days. In extraordinary circumstances the District may seek an extension beyond the initial 20 school days.

In placing substitute teachers in special education classrooms, the District shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential.

**ADMINISTRATIVE REGULATION**

**AR 4121**

**OTHER CERTIFICATED PERSONNEL**

**TEMPORARY/SUBSTITUTE PERSONNEL**

Qualifications for Special Education (continued)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel.

Salary/Benefits

The Board of Trustees shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the District.

Granting Probationary Status

Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the District were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.

Release from Employment/Dismissal

The Board of Trustees may dismiss a substitute employee at any time at its discretion.

The Board of Trustees may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the District are maintained.

After serving during one school year 75 percent of the number of days the regular schools of the District is maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the District's decision not to reelect him/her for the following school year.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4121**

**OTHER CERTIFICATED PERSONNEL**

**TEMPORARY/SUBSTITUTE PERSONNEL**

*Legal Reference:*

EDUCATION CODE

44252.5 State basic skills assessment required for certificated personnel  
44300 Emergency teaching or specialist permits  
44830 Employment of certificated persons; requirements of proficiency in basic skills  
44839.5 Employment of retirant  
44846 Criteria for reemployment preferences  
44914 Substitute and probationary employment computation for classification as permanent employee  
44915 Classification of probationary employees  
44916 Time of classification; statement of employment status  
44917 Classification of substitute employees  
44918 Substitute or temporary employee deemed probationary employee; reemployment rights  
44919 Classification of temporary employees  
44920 Employment of certain temporary employees; classifications  
44921 Employment of temporary employees; reemployment rights (unified and high school districts)  
44953 Dismissal of substitute employees  
44954 Release of temporary employees  
44956 Rights of laid-off permanent employees to substitute positions  
44957 Rights of laid-off probationary employees to substitute positions  
44977 Salary schedule for substitute employees  
45030 Substitutes  
45041 Computation of salary  
45042 Alternative method of computation for less than one school year  
45043 Compensation for employment beginning in the second semester  
56060-56063 Substitute teachers in special education  
CODE OF REGULATIONS, TITLE 5  
5502 Filing of notice of physical examination for employment of retired person  
5503 Physical examination for employment of retired persons  
COURT DECISIONS  
Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911  
CODE OF REGULATIONS, TITLE 5  
5502 Filing of notice of physical examination for employment of retired person  
5503 Physical examination for employment of retired persons  
COURT DECISIONS  
Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4th 911

*Management Resources:*

WEB SITES

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

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

**BOARD POLICY**

**BP 4131**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

The Board of Trustees believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers and certificated teaching assistants to enhance their instructional and classroom management skills and become informed about changes in pedagogy and subject matter.

The District's staff development program may include, but is not limited to:

1. Mastery of discipline-based knowledge, including academic content in the core curriculum and academic standards
2. Effective, subject-specific teaching methods, strategies, and skills
3. The use of technologies to enhance instruction
4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, gifted and talented students, and at-risk students
5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning
6. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education
7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution, intolerance, and hatred prevention
8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn
9. Ability to interpret and use data and assessment results to guide instruction
10. Topics related to student health, safety, and welfare
11. Topics related to employee health, safety, and security

**BOARD POLICY**

**BP 4131**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

As necessary, teachers shall receive professional development, as defined in 20 USC 7801, which is designed to help them meet the requirements of federal law for teachers of core academic subjects.

The Superintendent or designee may, in conjunction with individual teachers, develop an individualized program of professional growth which contributes to competence, performance, or effectiveness in teaching and classroom assignments.

The District's staff evaluation process may be used to recommend additional staff development for individual employees.

The Superintendent or designee shall involve teachers, site and District administrators, and others, as appropriate, in the development of the District's staff development program. He/she shall ensure that the District's staff development program is aligned with District priorities for student achievement, school improvement objectives, and school plans.

The Board of Trustees may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board of Trustees regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board of Trustees may revise the program as necessary in order to ensure that the staff development program supports the District's priorities for student achievement.

*Legal Reference:*

**EDUCATION CODE**

41520-41522 Teacher Credentialing Block Grant, including beginning teacher support  
41530-41532 Professional Development Block Grant  
44032 Travel expense payment  
44259.5 Standards for teacher preparation  
44277 Professional growth programs for individual teachers  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44560-44562 Certificated Staff Mentoring Program  
44570-44578 Inservice training, secondary education  
44580-44591 Inservice training, elementary teachers  
44630-44643 Professional Development and Program Improvement Act of 1968  
44700-44705 Classroom teacher instructional improvement program  
44735 Teaching as a Priority; teacher recruitment and retention in high-priority schools  
44755-44757.5 Inservice training in reading instruction, grades K-3  
48980 Notification of parents/guardians: schedule of minimum days  
52800-52870 School-Based Program Coordination Act  
56240-56245 Staff development; service to persons with disabilities  
99200-99206 Subject matter projects  
99220-99227 California Professional Development Institutes  
99230-99242 Mathematics and Reading Professional Development Program

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4131**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

*Legal Reference (continued):*

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

CODE OF REGULATIONS, TITLE 5

6100-6125 Teacher qualifications, No Child Left Behind Act

11980-11986 Mathematics and Reading Professional Development Program

13025-13044 Professional development and program improvement

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

6601-6702 Preparing, Training and Recruiting High Quality Teachers and Principals

7801 Definitions, highly qualified teacher

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

NCLB Teacher Requirements Resource Guide, March 2004

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 1997

WEB SITES

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

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

California Department of Education, Professional Development: <http://www.cde.ca.gov/pd>

California Subject Matter Projects: <http://csmp.ucop.edu>

Policy Adopted: 2/5/08



**BOARD POLICY**

**BP 4131.1**

**CERTIFICATED PERSONNEL**

**BEGINNING TEACHER SUPPORT/INDUCTION**

The Board of Trustees recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater District retention of capable beginning teachers. The Superintendent or designee shall ensure that first and second year teachers receive guidance to help them make an effective transition into the teaching profession.

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple- or single-subject teaching credential pursuant to Education Code 44259.

**District-Sponsored BTSA Induction Program**

When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the District may serve as a sponsor of an induction program. The program shall meet state standards for induction programs and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

The Superintendent or designee, with input from the participating teacher, shall pair each participating teacher with a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The roles and responsibilities of support providers shall be clearly defined in writing and communicated to all program participants.

The Superintendent or designee shall provide initial preparation and additional professional development for support providers to enable them to acquire and enhance their knowledge and skills needed to work with beginning teachers.

Professional development provided to a beginning teacher shall be based on an individual induction plan which takes into consideration the teacher's prior preparation and experience.

Subject to verification and approval of the Superintendent or designee, a beginning teacher shall not be required to demonstrate that a competency has been met, nor complete a program element designed to assist beginning teachers in meeting that competency, if he/she previously met the competency while participating in a CTC-approved teacher preparation program.

The beginning teacher's knowledge and classroom practice shall be regularly assessed using multiple measures and the results shall be used to monitor and revise subsequent individual induction plans. The Superintendent or designee shall maintain a complete record of each participating teacher's participation and progress toward completion of professional credential requirements.

**BOARD POLICY**

**BP 4131.1**

**CERTIFICATED PERSONNEL**

**BEGINNING TEACHER SUPPORT/INDUCTION**

**District-Sponsored BTSA Induction Program (continued)**

Performance assessments conducted as part of the induction program shall not be used for employment-related evaluations, as a condition of employment, or as a basis of terminating employment.

The Superintendent or designee shall conduct an annual evaluation of the induction program and shall report to the Board of Trustees regarding its effectiveness in meeting induction program goals.

*Legal Reference:*

EDUCATION CODE

41520-41522 Teacher Credentialing Block Grant  
41530-41532 Professional Development Block Grant  
44259 Credential requirements  
44259.5 Standards for professional preparation programs  
44275.4 Credential requirements, induction, out-of-state teachers  
44279.1-44279.7 Beginning Teacher Support and Assessment Program (BTSA)  
44325-44329 District interns  
44380-44386 Alternative certification  
44450-44468 University interns  
44560-44562 Certificated Staff Mentoring Program

CODE OF REGULATIONS, TITLE 5

6100-6126 Teacher qualifications, No Child Left Behind Act  
80055 Internship credential  
80413 Credential requirements  
80413.3 Credential requirements; teachers with out-of-state credentials

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers  
6601-6702 Preparing, training and recruiting high quality teachers and principals  
7801 Definitions, highly qualified teacher

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING/CALIFORNIA DEPARTMENT OF EDUCATION POLICY

*Funding Policy for Teacher Development Programs, December 2006*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Induction Manual: A Credential Application Processing Guidebook for Commission-Approved Induction Programs, June 2004*

*Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002*

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

*California Standards for the Teaching Profession, 1997*

WEB SITES

Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>

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

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

Policy Adopted: 6/30/69

Policy Revised: 9/19/95

Policy Revised: 2/5/08

**ADMINISTRATIVE REGULATION**

**AR 4131.6**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

The Superintendent or designee shall ensure that certificated staff members have opportunities to learn both from outside sources and from each other. These opportunities may include release time, leaves of absence or use of noninstructional time for:

1. Visits to other classrooms and other schools.
2. Attendance at professional education conferences or committee meetings.
3. Participation in professional development networks that promote inquiry and allow staff to analyze and evaluate each other's work.
4. Discussions with representatives of business and community agencies for the purpose of identifying the skills, knowledge and aptitudes necessary for specific career paths and developing meaningful career-related, work-based learning experiences.
5. Internships in industry and community agencies where teachers can learn how academic skills are used in the workplace.
6. Training classes and workshops offered by the District, county office of education or state projects.
7. Training in institutions of higher education, including credit courses conducted in or near the District whenever possible.
8. Follow-up activities that help staff to implement newly acquired skills.

**Instructional Time and Staff Development Reform Program**

The Superintendent or designee shall design a program which provides staff development opportunities for certificated classroom teachers and certificated teaching assistants on days that are not counted as instructional time. This staff development program shall meet the following conditions:

1. The program shall meet the District's educational priorities as defined by the Board of Trustees and be consistent with regulations adopted by the State Board of Education.

**ADMINISTRATIVE REGULATION**

**AR 4131.6**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

**Instructional Time and Staff Development Reform Program (continued):**

2. The program shall provide staff development in the academic content of the core curriculum; in instructional methods, including teaching strategies and classroom management; and in any other training designed to improve student performance.

"Core curriculum areas" means those areas of study specified in Education Code 51210(a)-(g) and 51220(a)-(j).

3. For each staff development day provided under this program, records of attendance shall be maintained and participants shall be present for the full day.

The District shall maintain a certification of the contemporaneous record of attendance of the eligible participants who attended each full staff development day for which the District requests funding. If a single staff development day is conducted over several calendar days, the contemporaneous records must evidence that each employee who participated in the staff development day was present for the equivalent of a full-time instructional work day.

4. Each staff development day shall be at least as long as the full-time instructional day for certificated employees of the District. However, a single staff development day may be conducted over several calendar days.
5. If the staff development day is conducted after completion of an instructional day, it may not be held on a minimum day for which parents/guardians were notified pursuant to Education Code 48980.

**Beginning Teacher Support**

To support teachers who are serving in their first or second year of service and enhance their effectiveness in teaching District students, the Superintendent or designee shall:

1. Develop, implement and evaluate a teacher induction program which meets the Quality and Effectiveness for Beginning Teacher Induction Program Standards adopted by the Commission on Teacher Credentialing.
2. Support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession adopted by the Commission on Teacher Credentialing.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4131.6**

**CERTIFICATED PERSONNEL**

**STAFF DEVELOPMENT**

**Beginning Teacher Support (continued):**

3. Meet criteria for the cost-effective delivery of program services.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4132**

**ALL PERSONNEL**

**PUBLICATION OR CREATION OF MATERIALS**

The Board of Trustees recognizes that District employees may create copyrightable materials at work and/or at home. The development of copyrightable materials during, or in part during, the work day shall be approved by the Superintendent or designee. However, the Superintendent's approval or lack of approval shall not affect the District's ownership of copyrights for materials developed during work hours.

Materials written or developed by an employee during the normal school day are considered District property.

Materials developed during both school and leisure hours are owned jointly by the employee and the District. In such cases, the Superintendent or designee shall ensure that a contractual agreement is made, clarifying the joint ownership. A partnership entity may be created to hold the copyright on behalf of both parties.

The Board of Trustees may secure copyrights in the name of the District for all copyrightable works developed by the District. All royalties or revenues from these copyrights shall be used for the benefit of the District.

The Board of Trustees may market or license any noneducational mainframe electronic software developed by the District. Proceeds from this marketing or licensing shall be used exclusively for educational purposes.

*Legal Reference:*

EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee worktime

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

LABOR CODE

2870-2872 Inventions made by an employee

UNITED STATES CODE, TITLE 17

201 Federal copyright law

201a Federal copyright law

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4135**

**ALL PERSONNEL**

**SOLICITING AND SELLING**

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

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

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

Staff participation in "flower funds," "anniversary funds," or other similar funds shall be voluntary.

*Legal Reference:*

**EDUCATION CODE**

*51520 Prohibited solicitations on school premises*

Policy Adopted: 2/5/08



**BOARD POLICY**

**BP 4140**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**BARGAINING UNITS**

The Board of Trustees recognizes the right of public school employees to form bargaining units, select an employee organization as the exclusive representative of their unit, and be represented by that organization in their employment relationship with the District. The Board of Trustees is committed to negotiating in good faith with the employee organizations and respecting the rights of employees and employee organizations.

The Board of Trustees shall negotiate only with the exclusive representative of each bargaining unit.

Certificated and classified employees shall not be included in the same bargaining unit.

The District shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it.

Neither the District nor the employee organization shall impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization.

**Management and Supervisory Employees**

Employees serving in a management, senior management, or confidential position shall not be represented by an exclusive representative. Such employees may represent themselves individually or may be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions, but that organization shall not meet and negotiate with the District.

However, the District may recognize a bargaining unit of supervisors if that unit includes all supervisory employees and if the unit does not represent the employee whom the supervisors supervise.

Management, supervisory, and confidential positions shall be classified as follows:

1. Management employee means any employee who has significant responsibilities for formulating District policies or administering District programs, and whose position is designated as a management position by the Board of Trustees.
2. Supervisory employee means any employee, regardless of job description, having the authority, in the interest of the District, to hire, transfer, suspend, layoff, recall, promote,

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4140**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**BARGAINING UNITS**

**Management and Supervisory Employees (continued)**

discharge, assign, reward, discipline, assign work, direct, adjust grievance of other employees, or effectively recommend that action. The exercise of this authority shall not be merely routine or clerical in nature, but shall require the use of independent judgment.

3. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

*Legal Reference:*

EDUCATION CODE

45060-45061.5 Deduction of fees from salary or wage payment, certificated employees

45168 Deduction of fees from salary or wage payment, classified employees

45220-45320 Merit system, classified employees

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS, TITLE 8

33015-33490 Recognition of exclusive representative; proceedings

33700-33710 Severance of established unit

34020 Petition to rescind organizational security arrangement

34055 Reinstatement of organizational security arrangement

*Management Resources:*

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board of Trustees of Trustees Governance: Collective Bargaining

Before the Strike: Planning Ahead in Difficult Negotiations, 1996

WEB SITES

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

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Public Employment Relations Board of Trustees of Trustees: <http://www.perb.ca.gov>

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4141**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**COLLECTIVE BARGAINING AGREEMENT**

The Board of Trustees recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board of Trustees is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board of Trustees any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement.

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments.

*Legal Reference:*

EDUCATION CODE

35035 Additional powers and duties of superintendent, transfer authority

35036 Voluntary transfers

35160 Authority of governing Board of Trustees

35160.1 Broad authority of school districts

45220-45320 Merit system, classified employees

GOVERNMENT CODE

3540-3549.3 Educational Employment Relations Act

CODE OF REGULATIONS, TITLE 8

31001-32997 Regulations of Employee Relations Board

*Management Resources:*

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board of Trustees Governance: Collective Bargaining

WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Public Employment Relations Board of Trustees: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

Policy Adopted: 2/5/08

**BOARD POLICY**

**BP 4143**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**NEGOTIATIONS/CONSULTATION**

The Board of Trustees recognizes its responsibility to represent the public's interests in the collective bargaining process. In negotiating agreements on employee contracts, the Board of Trustees shall balance the needs of staff and the priorities of the District in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The Board of Trustees shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation.

The Board of Trustees believes that effective negotiations require the input of all levels of the administration. The Board of Trustees shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board of Trustees and Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of District goals and priorities.

In consultation with the Superintendent and employee organization, the Board of Trustees shall determine the collective bargaining approach or method to be used.

The Board of Trustees with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Certain meetings related to negotiations shall be held in closed session in accordance with Government Code 3549.1 when not required by state open meeting laws (the Brown Act) to be held in public. Matters discussed in these meetings shall be kept in strict confidence.

The Board of Trustees and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the District.

The Board of Trustees shall closely monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the District's short-and long-term fiscal, programmatic, instructional, and personnel goals.

The Board of Trustees and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect District goals.

Whenever the District has a qualified or negative certification on an interim fiscal report, it shall allow the County Office of Education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The District shall provide the

**BOARD POLICY**

**BP 4143**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**NEGOTIATIONS/CONSULTATION**

County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement.

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board of Trustees at a public meeting for acceptance.

Any agreement adopted by the Board of Trustees may be for a term not to exceed three years.

In the event of an impasse in negotiations, the Board of Trustees shall participate in good faith in state mediation and fact finding procedures pursuant to Government Code 3548-3548.8.

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing by the Board of Trustees and the employees' exclusive representative.

**Consultation**

The exclusive representative of certificated staff may consult with the Board of Trustees on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

*Legal Reference:*

**GOVERNMENT CODE**

3540-3549.3 Educational Employment Relations Act

*Management Resources:*

**CSBA PUBLICATIONS**

*Collective Bargaining DVD-ROM*

*Maximizing School Board of Trustees Governance: Collective Bargaining*

*Before the Strike: Planning Ahead in Difficult Negotiations, 1996*

**WEB SITES**

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

**BOARD POLICY**

**BP 4143.1**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**PUBLIC NOTICE – PERSONNEL NEGOTIATIONS**

Because the Board of Trustees has a responsibility to represent the public's interest in negotiations with employee organizations, the Board of Trustees is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member.

**Public Notice**

All initial contract proposals of the Board of Trustees and an employee organization which relate to matters within the scope of representation shall be presented at a public Board of Trustees meeting and shall thereafter be public records.

Meeting and negotiating between District and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board of Trustees meeting.

After the public has had an opportunity to provide input, the Board of Trustees shall adopt its initial proposal at a public meeting.

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board of Trustees, each Board member's vote also shall be made public within 24 hours.

**Public Disclosure**

Before entering into a written agreement covering matters within the scope of representation, the Board of Trustees shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the District under the agreement for the current and subsequent fiscal years.

The Superintendent and Assistant Superintendent, Administrative Services, shall certify, in writing, that any costs incurred by the District under the agreement can be met by the District during the term of the agreement and shall submit the certification to the Board of Trustees prior to Board of Trustees approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term.

A copy of the proposed agreement shall be made available to the public prior to the day of the Board of Trustees meeting.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4143.1**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**PUBLIC NOTICE – PERSONNEL NEGOTIATIONS**

Public Disclosure (continued)

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

*Legal Reference:*

EDUCATION CODE

42130-42134 Financial reports and certifications

GOVERNMENT CODE

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representative

CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

*Management Resources:*

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board of Trustees Governance: Collective Bargaining

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

WEB SITES

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

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

School Services of California: <http://www.sscal.com>



**ADMINISTRATIVE REGULATION**

**AR 4143.1**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
  - a. Direct increases in salaries and percentage change in on-schedule salaries
  - b. Changes in health and welfare benefits
  - c. Changes in health and welfare benefit dollar contributions by the District
  - d. Changes in step and column or longevity provisions
  - e. Changes in overtime, differential, callback, and standby pay provisions
  - f. Changes in staffing ratios
  - g. One-time bonuses or off-the-schedule increases
2. Other provisions that will result in increased costs to the District even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days.
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percent increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the settlement and the approximate cost to the District of providing a one percent increase in total compensation.
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement.
5. Other major provisions that do not directly affect the District's costs, such as binding arbitration or grievance procedures.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 4144**

**ALL PERSONNEL**

**COMPLAINTS**

The Board of Trustees recognizes the need for providing employees with a complaint process.

The Board of Trustees expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board of Trustees.

*Legal Reference:*

GOVERNMENT CODE

3543 *Public school employees' rights*

3543.1 *Rights of employee organizations*

53296 *Definitions*

53297 *Filing complaint*

53298 *Reprisals*

53298.5 *Violations; punishment*

Policy Adopted: 2/9/05

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4156.2**

**ALL PERSONNEL**

**AWARDS AND RECONITION**

The Board of Trustees believes the District's employees are its most valuable resource and encourages recognition of the services they provide. The Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with Board policy and administrative regulations.

The Superintendent or designee shall establish regulations governing employee awards.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

44015 Awards to Employees

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 4156.2

ALL PERSONNEL

AWARDS AND RECOGNITION

The Board of Trustees authorizes awards to employees for:

1. Outstanding Achievement
2. Meritorious Service to the District
3. Years of Service to Ocean View School District. Recognition at annual banquet in accordance with Board Policy 9350 and 4156.2(a):

5 years	25 years
10 years	30 years
15 years	Retirement
20 years	

District funds shall not be used to purchase meals for attendees at award ceremonies.

4. Proposed ideas or procedures which eliminate or reduce district expenditures or improve District operations.
5. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in District operations.
6. By Superintendent's recommendation.

Any member of the Board of Trustees, employee, parent/guardian, student or community member may submit the name of an individual or organization to the Superintendent or Deputy Superintendent, Human Resources, for recognition by the Board of Trustees.

Persons proposing recognition of an individual or organization shall also indicate a suggested type of recognition which may include, but is not limited to, the following:

1. Plaques or awards, to be presented at a Board of Trustees meeting, for providing the District or community with special, unusual or long-term assistance.
2. Board of Trustees Resolution, to be read at a Board of Trustees meeting, for providing service to children and youth.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4156.2**

**ALL PERSONNEL**

**AWARDS AND RECOGNITION** (continued):

3. Letter of Recognition, to be prepared by the Superintendent or designee on behalf of the Board of Trustees for significant achievement and/or service by groups such as the basketball team, choir, band, and parent/guardian/community organizations.
4. Receptions and other informal recognition activities.

Individual awards may not exceed a value of \$200.

District contributions to such events shall be limited to expenditures for:

- a. Awards (pins and plaques);
- b. Publication costs;
- c. Postage;
- d. Decorations;
- e. Programs;
- f. Room rental fees.

*Legal Reference:*

EDUCATION CODE

35160 Authority of Governing Boards

35160.1 Broad Authority of School Districts

35161 Powers and Duties Generally

44015 Awards to Employees

Regulation Adopted: 11/2/93

Regulation Readopted: 3/19/96

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4157**

**ALL PERSONNEL**

**EMPLOYEE SAFETY**

The Board of Trustees is committed to maximizing employee safety and believes that safety is every employee's responsibility. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state and local laws and regulations.

No employee shall be required or permitted to be in any place of employment which is unsafe or unhealthful.

The Board of Trustees expects all employees to use safe work practices and to correct any unsafe conditions which may occur. If an employee is unable to correct an unsafe condition, he/she shall immediately report the problem to the Superintendent or designee.

The Superintendent or designee shall promote safety and correct any unsafe work practice through education, training and enforcement.

The Superintendent or designee shall establish and implement a written injury and illness prevention program in accordance with law.

~~The Board of Trustees shall ensure that the Superintendent or designee provides eye protective devices as specified by law and/or accordance with administrative regulation.~~

No employee shall be discharged or discriminated against for making complaints, instituting proceedings or testifying with regard to employee safety or health, or for participating in any occupational health and safety committee established pursuant to Labor Code 6401.7.

*Legal Reference:*

EDUCATION CODE

32066 Safety: public and private institutions

LABOR CODE

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6401.7 Injury prevention programs

6400-6413.5 Responsibilities and duties of employers and employees

CODE OF REGULATIONS, TITLE 8

3203 Injury and illness prevention program

5095-5100 Control of noise exposure

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.95 Noise standards

*Management Resources:*

CAL/OSHA PUBLICATIONS

Guide to Developing Your Workplace Injury and Illness Prevention Program, revised April 1998

DHHS PUBLICATIONS

Preventing Occupational Hearing Loss - A Practical Guide, June 1996, Department of Health and Human Services (National Institute for Occupational Safety and Health)

WEB SITES

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4157**

**ALL PERSONNEL**

**EMPLOYEE SAFETY**

*Management Resources (continued):*

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

*National Institute for Occupational Safety and Health: <http://www.cdc.gov/niosh>*

*National Hearing Conservation Association: <http://www.hearingconservation.org>*



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4157.1**

**ALL PERSONNEL**

**WORK-RELATED INJURIES**

The Board of Trustees desires to provide its employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process in order to facilitate employee recovery and reduce costs.

An employee shall report any work-related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate.

The Superintendent or designee shall ensure that every new employee is notified of his/her right to receive workers' compensation if injured at work and that injured employees are given notice of rights in accordance with law.

The Superintendent or designee shall ensure that notifications regarding workers' compensation are posted in accordance with law.

*Legal Reference:*

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

*Management Resources:*

WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4157.1**

**ALL PERSONNEL**

**WORK-RELATED INJURIES**

Notifications

The Superintendent or designee shall post a notice of employee rights related to workers' compensation and shall provide this information in writing to new employees.

This notice shall also include a statement of the District's policy requiring employees to report all work-related injuries as soon as practicable.

Employees shall also be informed that pursuant to Labor Code 4906, it is a felony for an employee to make a false workers' compensation claim.

District Responsibilities

Supervisors receiving reports of a work-related employee injury shall direct the injured employee to the site administration office and gather appropriate information, including but not limited to:

1. The date, time and place of the injury.
2. The name, occupation and signature of the injured employee.
3. Details of how the injury occurred.
4. The names of any witnesses.

The Supervisor or the employee shall promptly remit information about work-related injuries to the Superintendent or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury.

Within five working days of obtaining knowledge of any injury which results in lost time beyond the date of the injury or which requires medical treatment beyond first aid, the Superintendent or designee shall file a complete report of the injury with the District's insurer.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4157.1**

**ALL PERSONNEL**

**WORK-RELATED INJURIES**

Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed. It is the employee's responsibility to remit this work status information to the Superintendent or designee.

The District has designated a medical carrier where employees will be taken in case of a work-related injury. Employees who wish to be taken to their personal physician for treatment of work-related injuries must have a written request on file with the Superintendent or designee prior to the injury. It is the employee's responsibility to inform his/her supervisor that he/she has such a request on file.

**BOARD POLICY**

**BP 4158**

**ALL PERSONNEL**

**EMPLOYEE SECURITY**

The Board of Trustees desires to provide a safe, orderly working environment for all employees. As part of the District's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the District shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

The Board of Trustees recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The District shall provide such communications devices in classrooms to the extent possible.

**Reporting of Weapons or Dangerous Devices**

The Board of Trustees requires school employees to take immediate action upon being made aware that any person is in possession of a weapon or dangerous device on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4158**

**ALL PERSONNEL**

**EMPLOYEE SECURITY**

*Legal Reference:*

EDUCATION CODE

- 32210-32212 Willful disturbance, public schools or meetings
- 32225-32226 Communication devices
- 35204 Contract with attorney in private practice or use of administrative advisor
- 35205 Contract for legal services
- 35208 Liability insurance
- 35213 Reimbursement for loss, destruction or damage of school property
- 44014 Report of assault by pupil against school employee
- 44807 Duty concerning conduct of students
- 48201 Transfer of student records
- 48900-48926 Suspension or expulsion Grounds for suspension or expulsion
- 49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
- 49330-49335 Injurious objects

CIVIL CODE

- 51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

- 527.8 Workplace violence safety act

GOVERNMENT CODE

- 995-996.4 Defense of public employees
- 3543.2 Scope of representation

PENAL CODE

- 71 Threatening public officers and employees and school officials
  - 240 Definition of assault
  - 241.2 Assault on school or park property against any person
  - 241.3 Assault against school bus drivers
  - 241.6 Assault on school employee includes Board of Trustees member
  - 242 Definition of battery
  - 243 Battery; definition of "injury" and "serious bodily injury"
  - 243.2 Battery on school or park property against any person
  - 243.3 Battery against school bus drivers
  - 243.6 Battery against school employee includes Board of Trustees member
  - 245.5 Assault with deadly weapon; school employee includes Board of Trustees member
  - 290 Registration of sex offenders
  - 601 Trespass by person making credible threat
  - 626.9 Gun-Free School Zone Act of 1995
  - 626.10 Exceptions to bringing weapons on school grounds
  - 646.9 Stalking
  - 12403.7 Weapons approved for self defense
- WELFARE AND INSTITUTIONS CODE
- 827 Juvenile court proceedings; reports; confidentiality
  - 828.1 District police or security department, disclosure of juvenile records

*Management Resources:*

CDE CORRESPONDENCE

- 0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

- CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhome>
- CSBA: <http://www.csba.org>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4159**

**ALL PERSONNEL**

**EMPLOYEE ASSISTANCE PROGRAMS**

The Board of Trustees recognizes that school District employees may have problems which can have detrimental effects upon job performance and student safety. The Board of Trustees encourages employees to seek help when such problems exist and to take advantage of the resources that are available to assist them.

Employees shall have confidential access to information about the District's employee assistance program. This information shall be available to all employees and their spouses and dependents.

Management and supervisory staff shall be knowledgeable about the District's employee assistance program and may counsel employees about the program, as appropriate.

Participation in the assistance program shall not jeopardize an employee's employment or career advancement, nor will it protect the employee from disciplinary action for substandard job performance.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing board

35160.1 Broad authority of school districts

44962 Leaves of absence for certificated employees

44964 Power to grant leaves of absence for accident, illness or quarantine

45190-45209 Resignations and leaves of absence for classified employees

GOVERNMENT CODE

8355 Certification to contracting or granting agency; requisites

HEALTH AND SAFETY CODE

104420 Providing information re: smoking cessation program

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

Policy Adopted: 8/12/03

Policy Revised: 2/5/08

**BOARD POLICY**

**BP 4161**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**LEAVES**

The Board of Trustees shall provide for paid and unpaid employee leaves of absence in accordance with law, Board policy, administrative regulation, and collective bargaining agreements.

The Board of Trustees recognizes the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee's home or property; and other personal emergencies
6. Vacations for classified staff and certificated management staff, as applicable
7. Jury duty or required court appearances
8. Religious observances
9. Participation in child's school or day care activities
10. For certificated staff, sabbaticals for purposes of study or travel; for classified staff, sabbaticals for purposes of study or retraining
11. Attendance at work-related meetings and staff development opportunities
12. Compulsory leave

**Long-Term Leaves**

With Board of Trustees approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4161**

**CERTIFICATED AND CLASSIFIED PERSONNEL**

**LEAVES**

Long-Term Leaves (continued)

All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level as that held at the time leave was granted, unless otherwise agreed upon.

The Board of Trustees shall consider any written request by an employee to return to work prior to the expiration date of the leave.

*Legal Reference:*

EDUCATION CODE

44036 Leaves of absence for judicial and official appearances

44037 Unlawful to encourage exemption from jury duty

44842 Failure to provide notice or to report to work

44940 Sex offenses and narcotic offenses; compulsory leave of absence

44962-44988 Leaves of absence (certificated)

45190-45210 Leaves of absence (classified)

GOVERNMENT CODE

3543.2 Scope of representation

**ADMINISTRATIVE REGULATION**

**AR 4161.1**

**CERTIFICATED EMPLOYEES**

**PERSONAL ILLNESS/INJURY LEAVE**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. A teacher employed to teach for the entire extended school year shall be entitled to one (1) additional leave day. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work.

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued.

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

Any certificated employee who leaves the District after at least one year of employment and accepts a certificated position in another district, county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The District shall not require new employees to waive their leave accumulated in a previous district.

Sick leave may be used by a certificated employee for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of and in the course of employment.
2. Absences due to pregnancy, miscarriage, childbirth and recovery.
3. Cases of personal necessity.
4. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired.

An employee shall notify the District of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the District. If the duration of absence becomes shorter than estimated, the employee shall notify the

**ADMINISTRATIVE REGULATION**

**AR 4161.1**

**CERTIFICATED EMPLOYEES**

**PERSONAL ILLNESS/INJURY LEAVE**

District not later than 3:00 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the District results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

**Sick Leave Beyond 10 Days**

When a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and continues to be absent from his/her duties due to illness or accident for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If the District has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that might have been paid to a substitute shall be deducted from the employee's salary.

The sick leave, including accumulated sick leave, and the five-month period shall run consecutively.

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted; the employee may take the balance of the five-month period in a subsequent school year.

After five months, and if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall, if not placed in another position, be placed on a reemployment list for a period of twenty-four (24) months if the employee is in probationary status on the first day of the five-month period. (Education Code 44977). If the employee is in permanent status on the first day of the five-month status, he/she will be placed on the reemployment list for thirty-nine (39) months. If, during this time, the employee becomes medically able, he/she shall be returned to employment in a position which he/she is credentialed and qualified.

**Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

**ADMINISTRATIVE REGULATION**

**AR 4161.1**

**CERTIFICATED EMPLOYEES**

**PERSONAL ILLNESS/INJURY LEAVE**

**Verification Requirements (continued):**

The Superintendent or designee may require an employee to visit a physician selected by the District and at District expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment shall be required to submit a release to return to work from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

*Legal Reference:*

**EDUCATION CODE**

- 44964 Power to grant leave of absence in case of illness, accident or quarantine
- 44965 Granting of leaves of absence for pregnancy and childbirth
- 44976 Transfer of leave rights when school is transferred to another district
- 44977 Salary deduction during absence from duties
- 44978 Provisions for sick leave of certificated employees
- 44979 Transfer of accumulated sick leave to another district
- 44980 Transfer of accumulated sick leave to a county office of education
- 44981 Leave of absence for personal necessity
- 44983 Exception to sick leave when district adopts specific rule
- 44986 Leave of absence for disability allowance applicant

**LABOR CODE**

- 233 Illness of child, parent, spouse or domestic partner
- 234 Absence control policy

**CODE OF REGULATIONS, TITLE 5**

- 5601 Transfer of accumulated sick leave

**ADMINISTRATIVE REGULATION**

**AR 4161.2**

**ALL PERSONNEL**

**PERSONAL LEAVES**

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

**Bereavement**

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled.

Members of the immediate family include the mother, father, grandmother, grandfather or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions.

**Personal Necessity**

Employees may use up to ten days of their accrued sick leave during each contract year for reasons of personal necessity.

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions.
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family.
3. A serious illness of a member of the certificated employee's immediate family.
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party or witness under subpoena or other order.

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working

**ADMINISTRATIVE REGULATION**

**AR 4161.2**

**ALL PERSONNEL**

**PERSONAL LEAVES**

Personal Necessity (continued)

hours. The Superintendent or designee shall have final discretion as to whether a request reflects true personal necessity.

Advance permission shall not be required for certificated employees in cases involving the death or serious illness of a member of the employee's immediate family or an accident involving the employee's person or property or the person or property of a member of his/her immediate family.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed District absence form to his/her immediate supervisor.

Legal Duties

Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee.

An employee may take time off work in order to:

1. Serve on an inquest jury or trial jury.
2. Comply with a subpoena or other court order to appear as a witness.

Notices, summons and subpoenas for court appearances shall be submitted to the District office when requesting leave.

Leaves for Crime Victims

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a victim, or child of a registered domestic partner of a victim of the following crimes:

1. A violent felony as defined in Penal Code 667.5(c).
2. A serious felony as defined in Penal Code 1192.7(c).
3. A felony provision of law proscribing theft or embezzlement.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4161.2**

**ALL PERSONNEL**

**PERSONAL LEAVES**

Leaves for Crime Victims (continued):

For these purposes, the employee may use vacation, personal leave, sick leave, compensatory time off that is otherwise available to the employee, or unpaid leave.

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

The supervisor and superintendent or designee shall keep confidential any records pertaining to the employee's absence from work.

Leaves for Victims of Domestic Violence or Sexual Assault

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child.

In addition, an employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief, including but not limited to a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child.

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities:

1. Seek medical attention for injuries caused by domestic violence or sexual assault.
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault.
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault.



**ADMINISTRATIVE REGULATION**

**AR 4161.2**

**ALL PERSONNEL**

**PERSONAL LEAVES**

Leaves for Victims of Domestic Violence or Sexual Assault (continued)

4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave or compensatory time off that is otherwise available to the employee under the applicable terms of employment, unless otherwise provided by a collective bargaining agreement.

Prior to taking time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor certification of the absence in the form of any of the following documents:

1. A police report indicating that the employee was a victim of domestic violence or sexual assault.
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault.

The supervisor and Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law.

Any employee who is a parent/guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence

Service in State or Employee Organizations

Employees shall be granted up to 20 days of paid leave per year for service performed within the state on any boards, commissions, committees or groups authorized by Education Code 44987.3, provided that all of the following conditions are met:

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4161.2**

**ALL PERSONNEL**

**PERSONAL LEAVES**

Service in State or Employee Organizations (continued)

1. The service is in the state of California.
2. The board, commission, organization or group informs the District in writing of the service.
3. The Board of Trustees, commission, organization or group agrees, prior to service, to reimburse the District, upon the District's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employees may take a leave of absence without loss of compensation to serve as an elected officer of a District employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special or regular meetings of the body of the organization.

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel.

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Legal Reference:

EDUCATION CODE

44036-44037 Leaves of absence for judicial and official appearances  
44963 Power to grant leaves of absence (certificated)  
44981 Leaves of absence for personal necessity (certificated)  
44985 Leave of absence due to death in immediate family (certificated)  
44987 Service as officer of employee organization (certificated)  
44987.3 Leave of absence to serve on certain boards, commissions, etc.  
45190 Leaves of absence and vacations (classified)  
45194 Bereavement leave of absence (classified)  
45198 Effect of provisions authorizing leaves of absence  
45207 Personal necessity (classified)  
45210 Service as officer of employee organization (classified)

FAMILY CODE

297.5 Domestic partner rights

GOVERNMENT CODE

3543.1 Release time for representatives of employee organizations

LABOR CODE

230-230.4 2 leave for victims of domestic violence, or sexual assault, or specified felonies  
230.3 Leave for emergency personnel  
230.4 Leave for volunteer firefighters  
230.8 Leave to visit child's school

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4161.2**

*233 Illness of child, parent, spouse, domestic partner or domestic partner's child*

**ALL PERSONNEL**

**PERSONAL LEAVES**

*Legal Reference (continued):*

*234 Absence control policy*

PENAL CODE

*667.5 Violent felony, defined*

*1192.7 Serious felony, defined*

CALIFORNIA CONSTITUTION

*Article 1, Section 8 Religious discrimination*

UNITED STATES CODE, TITLE 42

*2000d-2000d-7 Title VII, Civil Rights Act of 1964*

COURT DECISIONS

*Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167*

*Management Resources:*

WEB SITES

*California Teachers Association: <http://www.cta.org>*

*California Federation of Teachers: <http://www.cft.org>*

*California School Employees Association: <http://www.csea.com>*

Regulation Adopted: 8/12/03

Regulation Revised: 8/9/05

**ADMINISTRATIVE REGULATION**

**AR 4161.5**

**ALL PERSONNEL**

**MILITARY LEAVE**

Military leave shall be granted in accordance with law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and examination to determine fitness for duty, and performance of funeral honors duty.

An employee who needs to be absent from the District to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable.

An employee's cumulative length of absence and length of all previous military leave shall not exceed five years, excluding those training and service obligations specified in 38 USC 4312(c).

**Compensation**

An employee shall receive his/her salary or compensation for the first 30 days of an absence for military leave if he/she:

1. Is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard or Naval Militia, provided that:
  - a. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
  - b. He/she has been employed by the District for at least one year immediately prior to the day the military leave begins.
2. Has served with the District for at least one year and is ordered, on other than a temporary basis, into active military duty as a member of the reserve corps of the United States Armed Forces, National Guard or Naval Militia or otherwise is inducted, enlisted, entered, ordered or called into active duty as a member of the Armed Forces.
3. Is a member of the National Guard, however long employed by the District, who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4161.5**

**ALL PERSONNEL**

**MILITARY LEAVE**

Compensation (continued)

In determining length of District employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to District employment shall be counted.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary.

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

The 30-day pay entitlement is the maximum allowance which shall be paid for any one military leave or during any one fiscal year, unless otherwise authorized by the Board of Trustees pursuant to Military and Veterans Code 395.03 or Education Code 44018.

Benefits

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required.

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan.

Vacation and Sick Leave Accrual

An employee on temporary military leave for the purposes described in item #1 in the section entitled "Compensation" above shall continue to accrue the same vacation, sick leave or holiday privileges for up to a maximum period of 180 days, provided he/she has been employed by the District for at least one year immediately prior to beginning the leave.

An employee on military leave who is serving in active duty in time of war, national emergency or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave.

However, an employee who is a National Guard member on active duty for the purposes described in item #3 in the section entitled "Compensation" above shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence.

**ADMINISTRATIVE REGULATION**

**AR 4161.5**

**ALL PERSONNEL**

**MILITARY LEAVE**

Employment Status

Absence for military leave shall not affect the classification of any certificated employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose.

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System.

Reinstatement Rights

At the conclusion of the military duty, an employee shall be entitled to be promptly reinstated in the position held at the beginning of the military leave, at the salary to which he/she would otherwise have been entitled, provided that the employee was not separated from military service with a disqualifying discharge or under other than honorable conditions.

An employee who performs active military duty in time of war, national emergency or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement in inactive duty. Reemployment rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service.

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows:

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of military service.
2. For a leave of 31 to 180 days, the employee shall complete an application for reemployment not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit an application for reemployment within 90 days after the completion of military service.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4161.5**

**ALL PERSONNEL**

**MILITARY LEAVE**

**Reinstatement Rights (continued)**

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reemployment at the end of the period that is necessary to recover from such illness or injury but no more than two years after the completion of military service.

In cases where reporting within the periods specified in items #1 and 2 above is impossible or unreasonable through no fault of the employee, he/she shall report as soon as possible after the expiration of the period.

An employee failing to apply for reemployment within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the Board of Trustees' rules governing unexcused absences.

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which he/she is qualified.

An employee may not be reemployed if the District's circumstances have so changed as to make such reemployment impossible or unreasonable; if the accommodation, training or effort described in 38 USC 4313(a)(3), (a)(4) or (b)(2)(B) would impose an undue hardship on the District; or if the employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period.

**Notices**

The Superintendent or designee shall provide employees a notice of the rights, benefits and obligations of employees granted military leave and of the District under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. This requirement may be met by posting the notice where the District customarily places notices for employees.

*Legal Reference:*

**EDUCATION CODE**

22850-22856 Pension benefits, STRS members on military leave  
44018 Compensation for employees on active military duty  
44800 Effect of active military service on status of employees  
45059 Employee ordered to military/naval duty - computation of salary

**GOVERNMENT CODE**

18540 Definition of armed forces  
18540.3 Recognized military service  
20990-21013 Pension benefits, PERS members on military leave



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4161.5**

**ALL PERSONNEL**

**MILITARY LEAVE**

*Legal Reference (continued):*

MILITARY AND VETERANS CODE

146 Events justifying calling of militia into active service

389 Definitions; temporary military leave

395-395.9 Military leave

UNITED STATES CODE, TITLE 38

4301-4334 Uniformed Services Employment and Reemployment Rights Act of 1994

COURT DECISIONS

Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503

Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65

ATTORNEY GENERAL OPINIONS

77 Ops. Cal. Atty. Gen. 209 (1994)

69 Ops. Cal. Atty. Gen. 185 (1986)

63 Ops. Cal. Atty. Gen. 924 (1978)

19 Ops. Cal. Atty. Gen. 132 (1952)

18 Ops. Cal. Atty. Gen. 178 (1951)

*Management Resources:*

U.S. DEPARTMENT OF LABOR PUBLICATIONS

A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. July 2004

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Uniformed Services Employment and Reemployment Rights Act (USERRA), NSBA Federal File: Guidance on Federal School Law, 2003

WEB SITES

National Committee for Employer Support of the Guard and Reserve: <http://www.esgr.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Labor, USERRA: <http://www.dol.gov/vets/programs/userra/main.htm>

Regulation Adopted: 5/21/02

Regulation Revised: 8/9/05

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4200**

**CLASSIFIED PERSONNEL**

The Board of Trustees shall fill each of its classified positions with qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the District's educational program.

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

**Classification of Employees**

The Board of Trustees shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service.

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position.

Before employing a short-term classified employee, the Board of Trustees, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board of Trustees may shorten or extend the ending date, but the date shall not be extended beyond 75 percent of the school year, as defined.

Each position shall have a designated title and regular minimum number of assigned hours per day, days per week and months per year. A job description shall be established for each position.

**Assignment**

Classified employees shall be assigned by their immediate supervisors with the approval of the Superintendent or designee. They shall be required to perform those duties prescribed by the Board of Trustees for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

*Legal Reference:*

**EDUCATION CODE**

45100-45139 *Employment of classified staff*  
45160-45169 *Salaries and differential compensation*  
45190-45210 *Resignation and leaves of absence*  
45220-45320 *Merit system*  
49406 *Examination for tuberculosis*  
51760-51769.5 *Work experience education*

*Management Resources:*

**WEB SITES**

California School Employees Association: <http://www.csea.com>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4200**

**CLASSIFIED PERSONNEL**

**EXEMPTION FROM CLASSIFIED SERVICE**

Individuals hired solely for the following purposes are exempt from the classified service:

1. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the District.
2. Apprentices.
3. Professional experts employed on a temporary basis for a specific project.
4. Full-time students employed part time.
5. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district pursuant to Education Code 51760 et seq. and which is financed by state or federal funds.
6. Positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 working days or 720 hours in a fiscal year, provided the authorized duties are not those normally assigned to a class of positions in the classified service, are approved by the personnel commission in advance of employment, and a regular classified district employee does not receive a concurrent appointment to such a position.

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 4210.1**

**CLASSIFIED PERSONNEL**

**BOARD OF TRUSTEES AND PERSONNEL COMMISSION RESPONSIBILITIES**

On May 1, 1966, the Board of Trustees for the Ocean View School District passed a resolution to establish the Merit System for the Classified Service. State of California law allows for the creation of Classified Service Merit Systems, within public agencies, which are governed by a Personnel Commission. The Personnel Commission is an independent body whose purpose is to ensure that the legal employment rights of classified employees are protected and adhered to, as defined in law. Negotiated agreements between the Classified Service and the District supersede Commission Rules and Regulations in specified areas.

The purpose of this Policy is to clarify the roles of the Ocean View School District Board of Trustees and that of the Merit Personnel Commission relative to classified employees of the District. This Policy will provide guidance to the administrative staff and Board of Trustees in consideration of future decisions related to the Ocean View School District Classified Service. Administrative Regulations in support of this policy shall delineate specific areas of responsibility for each body.

*Legal References:*

EDUCATION CODE

45110 Temporary work outside classification

45109 Prescription of duties

45240-45320 Merit system

GOVERNMENT CODE

3540-3549.3 Meeting and Negotiating in Public education employment

Policy Adopted: 12/9/97

Policy Revised: 1/28/98

Policy Revised: 2/5/08

**ADMINISTRATIVE REGULATION**

**AR 4210.1**

**CLASSIFIED PERSONNEL**

**BOARD OF TRUSTEES AND PERSONNEL COMMISSION RESPONSIBILITIES**

Education Code 45241 states:

Power of the Board of Trustees to employ, pay, and control services of noncertificated persons; limitation

In any district in which the procedure set forth in this article has been incorporated the governing board shall employ, pay, and otherwise control the services of persons in positions not requiring certification qualifications only in accordance with the provisions of this article.

The Board of Trustees is further empowered to create and eliminate positions, designate duties for those positions, and establish a Worker's Compensation Program for classified employees.

**Selection of Personnel Commissioners**

The Personnel Commission shall be an appointed body, made up of three (3) members who shall be registered voters and residents within the jurisdiction of the school district and shall be known adherents to the principle of the Merit System as noted by Education Code 45244. The Board of Trustees, as well as any member of the County Board of Education, is not eligible for appointment to the Personnel Commission nor shall any employee of the Ocean View School District be appointed as a Personnel Commissioner.

One member of the Personnel Commission shall be appointed by the Board of Trustees; one member of the Personnel Commission shall be nominated by the classified employees of the District and shall be appointed by the Board. CSEA Chapter #375 shall be the organization which presents the Classified Service Appointee to the Board of Trustees. The third member of the Personnel Commission shall be appointed by the District and the CSEA Commissioners. The process used for this joint appointment shall follow the guidelines as set forth in Education Code 45246.

**Term of Office for Personnel Commissioner**

Each Commissioner shall serve a term of not more than three (3) years, which shall expire at noon on December 1. One Commissioner's term shall expire on that date each year. When a vacancy occurs on the Personnel Commission, an appointee may be seated, as indicated above, either for a full term or to fill an unexpired term.

When a vacancy occurs for the seat of the Personnel Commissioner appointed by the Board of Trustees, that vacancy shall be advertised to solicit names of community members who are eligible

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**AR 4210.1**

**CLASSIFIED PERSONNEL**

**BOARD OF TRUSTEES AND PERSONNEL COMMISSION RESPONSIBILITIES**

Term of Office for Personnel Commissioner (continued)

to serve as a Personnel Commissioner. The Board of Trustees will then interview the candidates in open session at a scheduled Board of Trustees' meeting. Trustees may elect their appointee then or, at a subsequent scheduled Board of Trustees' meeting. After thirty (30) days, and within forty-five (45) days after its original announcement, the Board of Trustees, at an Open Meeting shall provide the District employees and the community with an opportunity to express their views on the qualifications of the person recommended by them. At that time, the Board of Trustees may confirm its appointee or elect an alternate appointee.

If a vacancy for the Classified Service Appointee to the Personnel Commission occurs, the classified employees through their exclusive representative shall submit the name of their nominee to the Board of Trustees at least thirty (30) days prior to the date on which the vacancy will occur. The Board shall appoint such nominee to be effective on December 1, the date on which the vacancy occurs. If the classified employees fail to agree on a candidate, the Board of Trustees may make an emergency appointment. The Board of Trustees' interim appointee shall no longer serve on the date the classified employees notify the District of their permanent appointee, and that appointee is approved by the Board of Trustees. In no event, shall the interim appointment be valid for more than sixty (60) days.

Health and Welfare Benefits – Personnel Commission

In accordance with Government Code 53201, the Board of Trustees may, at its discretion, extend Health and Welfare Benefits to Personnel Commissioners of the Merit System in the Ocean View School District. The Board of Trustees shall extend these benefits for no more than a three-year (3) period, paralleling the term of the Personnel Commissioner appointed by the Board of Trustees. In no case, shall the cost of benefits extended to Personnel Commissioners, exceed the amount allocated for a full-time classified employee in the Ocean View School District. After the annual selection of benefits by Commissioners, any unused portion of the allocation shall revert to the General Fund. Commissioners may not request cash payments in lieu of benefits.

Personnel Commission Responsibilities

The Personnel Commission is responsible for Rules and Regulations of the classified service. The Rules and Regulations may cover such topics as the operation of the Personnel Commission, the classification of positions, the application process, examinations of candidates, the establishment of eligibility lists, the service status of classified employees and problem solving procedures. Other miscellaneous items related to working conditions which fall outside the scope of a negotiated



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**ADMINISTRATIVE REGULATION**

**AR 4210.1**

**CLASSIFIED PERSONNEL**

**BOARD OF TRUSTEES AND PERSONNEL COMMISSION RESPONSIBILITIES**

Personnel Commission Responsibilities (continued)

agreement between the Ocean View School District and CSEA Chapter #375 may also be reflected in the Rules and Regulations.

The Board of Trustees and the Personnel Commission may share agendas in advance of any regularly scheduled meeting, as well as yearly schedules for regular meetings. Members of both bodies may attend each others meetings, when deemed appropriate by individual members. Where mutual interests are identified, the bodies may schedule a public study session to address identified needs. The Commission will send the Board of Trustees the proposed Personnel Commission budget, each year, far enough in advance of the Commission's Public Hearing, so the Board of Trustees may agendaize and discuss the proposed budget. The Commission will conduct a Public Hearing on its proposed budget each year and may forward a copy to the Board of Trustees indicating the time, date, and place for the Public Hearing. The Board of Trustees and District representatives may attend and present their views. The Commission shall fully consider the views of the Board of Trustees prior to adoption of its proposed budget. The Commission shall then forward its proposed budget to the County Superintendent of Schools for action no later than May 30. The date of submission to the County Superintendent may be changed by mutual consent of the Board of Trustees and Commission to coincide with the process of adoption of the district budget. The Board of Trustees, in its advisory capacity, may accept or reject the proposed Commission budget. If rejected, the Ocean View School District Superintendent will not sign the budget, as acceptable, before it is sent to the County Superintendent for approval or disapproval. In this case, the County Superintendent or designee may choose to mediate between the two parties to reach a satisfactory resolution of differences or to follow the guidelines set forth in Education Code 45254 dealing with the Commission budget at the County level.

Working Out of Classification

In the Ocean View School District the maximum length of time for working out of classification shall not exceed ninety (90) days in one fiscal year, unless extended by the Personnel Commission (Rule 3.2.9.1). An employee working out of classification shall receive at least 5 percent additional compensation, if working five (5) or more days out of fifteen (15) working days in another classification.

Salary Schedules

The Personnel Commission may make recommendations to the Board of Trustees about classified employee salary schedules. It is the Board of Trustees' right to adopt a classified employee salary schedule, after negotiating with CSEA Chapter #375.



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**ADMINISTRATIVE REGULATION**

**AR 4210.1**

**CLASSIFIED PERSONNEL**

**BOARD OF TRUSTEES AND PERSONNEL COMMISSION RESPONSIBILITIES**

Collective Bargaining

The negotiated areas of any agreement between the Ocean View School District and CSEA Chapter #375 shall be reflected in Personnel Commission Rules, which relate to the same subject, for all topics covered in the provisions of Government Code 3543.2, as well as any other applicable items within the scope of negotiations. Only the Board of Trustees for the Ocean View School District gives final approval for any negotiated agreement between the District and CSEA.

Employee Discipline

The Administrative staff, acting for the Board of Trustees, may take disciplinary action against an employee for violations of law, policy, or contract provisions. An employee may appeal such actions to the Personnel Commission and be granted a hearing, the outcome of which is final and binding in the District.

Legal Counsel

The legal counsel of the Board of Trustees shall aid and represent the Commission in all legal matters. If the legal counsel does not respond to a written request by the Commission for aid or representation within 15 working days of receipt of the written request, the counsel is deemed to have refused to aid or represent the Commission in that matter.

The legal counsel shall refuse to represent the Commission in circumstances in which the counsel knows, or has reason to know, that at the time the request is made a conflict exists between the interests of the Commission and the interests of the Board of Trustees for the school District.

If the legal counsel refuses to aid or represent the Commission in a legal matter, the Commission may employ its own attorney, and the reasonable cost thereof shall constitute a legal charge against the general funds of the District.

Internal Function of the Personnel Commission

The Personnel Commission shall prepare its own budget with approval of the County Superintendent. Selection of the Executive Director and Commission staff shall be at the sole discretion of the Commissioners. Suitable office accommodations for Commission business shall be provided by the Board of Trustees.

Regulation Adopted: 1/20/98

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E 4210.1**

**CLASSIFIED PERSONNEL**

**Board of Trustees and Personnel Commission Responsibilities**

Education Code Section 45246. Announcement of recommended appointees; public meeting of Board of Trustees and personnel commission

- (a) Within thirty (30) days after adoption of the system the Board of Trustees shall publicly announce its intended appointee or appointees, as appropriate, and the appointee or appointees, as appropriate, nominated by its classified employees. As soon after their appointment as practicable but within thirty (30) days, the appointed members shall announce their intended appointee for the third or fifth member, as appropriate. They may consider the recommendations of the Board or Trustees, the classified employees, or other concerned citizens. If these members do not announce their intended appointee within the 30-day period, the Superintendent of Public Instruction shall make the appointment.

"Adoption of the system" means, in the case of Section 45221, the day on which a successful election is certified to the Board of Trustees or, in the case of Section 45224, the day the Board or Trustees approves a motion, order, or resolution to adopt the system regardless of the date specified for operational commencement of the system.

- (b) Where a system is already in existence and a vacancy will exist on December 1, by not later than September 30:
- (1) The Board of Trustees shall publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.
  - (2) The appointee or appointees, as appropriate, of the Board of Trustees and the appointee or appointees of the classified employees shall announce the name of the person they intend to appoint, if the vacancy is its appointee.

If the Board of Trustees and the classified employees of the District are unable to agree upon a nomination by September 30, the Superintendent of Public Instruction shall make the appointment within thirty (30) days.

- (c) Where a system is already in existence and a vacancy in a position nominated by the classified employees will occur, the classified employees shall submit the name of its nominee to the Board of Trustees at least thirty (30) days prior to the date on which the vacancy will occur and the Board of Trustees shall appoint that nominee to be effective on the date on which the vacancy would occur.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E 4210.1**

**CLASSIFIED PERSONNEL**

**Board of Trustees and Personnel Commission Responsibilities**

- (d) At a Board of Trustees meeting to be held after thirty (30) and within forty-five (45) days of the dates specified in subdivision (a) and paragraph (1) of subdivision (b), as the case may be, the Board of Trustees in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the Board of Trustees for appointment.

The Board of Trustees at the time may make its appointment or may make a substitute appointment or recommendation without further notification or public hearing.

In the case of the nominees of the classified employees, the Board of Trustees shall appoint the nominee, unless the classified employees voluntarily withdraw the name of the nominee and submit the name of a new nominee. In the latter case, the Board of Trustees then shall appoint the new nominee.

- (e) In the event a vacancy exists because of a failure of the classified employees to agree on a nominee, the Board of Trustees may make an emergency appointment as authorized in subdivision (b) of Section 45248. If there is no personnel director, the Board of Trustees nevertheless may make an emergency interim appointment under this subdivision.
- (f) At the next regularly scheduled personnel commission meeting to be held after thirty (30) days from adoption of the system, as specified in subdivision (a), or at the next regularly scheduled personnel commission meeting to be held after thirty (30) days from the intended appointee is announced, as specified in paragraph (2) of subdivision (b), as the case may be, the appointee or appointees of the governing board and the appointee or appointees nominated by the classified employees shall, in an open hearing, provide the public and employees and employee organizations the opportunity to express their views on the qualifications of each candidate recommended for the vacancy. Each candidate shall be invited to this meeting.

The appointee or appointees of the Board of Trustees and the appointee or appointees nominated by the classified employees may make their appointment or may make a substitute appointment or recommendation without further notification or public hearing.

- (g) A commissioner whose term has expired may continue to discharge the duties of the office until a successor is appointed, but for no more than ninety (90) calendar days.  
(Stats. 1993.)

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4212**

**CLASSIFIED PERSONNEL**

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

Upon recommendation of the Superintendent, the Board of Trustees shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board of Trustees at a regular meeting.

1. Submit to fingerprinting as required by law.
2. Not have been convicted of a violent or serious felony.
3. Not have been convicted of any sex offense as defined in Education Code 44010.
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332.
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16.
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011.
7. Submit to a physical examination or provide proof thereof as required by law and Board policy.
8. File the oath or affirmation of allegiance required by Government Code 3100-3109.
9. Submit to drug and alcohol testing as required by Board policy.
10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation.

**Notification of Classification and Compensation**

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary

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**ADMINISTRATIVE REGULATION**

**AR 4212**

**CLASSIFIED PERSONNEL**

Notification and Compensation (continued)

data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor.

*Legal Reference:*

EDUCATION CODE

35161 Powers and duties  
44010 Sex offense - definitions  
44011 Controlled substance offense - definitions  
44066 Limitation on certification requirements  
45103 Classified service in districts not incorporating the merit system  
45104 Positions not requiring certification qualifications  
45105 Positions under various acts not requiring certification qualifications  
45108 Restricted positions  
45113 Rules and regulations for classified service in districts not incorporating the merit system  
45122 Physical examinations  
45122.1 Classified employees, conviction of a violent or serious felony  
45123 Employment after conviction of sex offense or controlled substance offense  
45125 Use of personal identification cards to ascertain conviction of crime  
45169 Employee salary data  
49406 Examination for tuberculosis  
60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations  
12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders  
290.95 Disclosure by person required to register as sex offenders  
667.5 Prior prison terms, enhancement of prison terms  
1192.7 Plea bargaining limitation  
1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4212.5**

**CLASSIFIED PERSONNEL**

**CRIMINAL RECORD CHECK**

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data.

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification cards for processing by the Department of Justice. If the District is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant:

1. Has not resided in the State of California for at least one year immediately preceding the application for employment.
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Board of Trustees shall not employ an applicant until the Department of Justice completes its check of the state criminal history files.

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon.

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety.

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4212.5**

**CLASSIFIED PERSONNEL**

**CRIMINAL RECORD CHECK**

Current Employees

Upon notification from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon.

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or District procedures, unless that employee has received a certificate of rehabilitation and a pardon.

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits.

Legal Reference:

EDUCATION CODE

44332.6 Criminal record check, county board of education  
44346.1 Applicants for credential, conviction of a violent or serious felony  
44830.1 Certificated employees, conviction of a violent or serious felony  
44830.2 Certificated employees; Interagency agreements  
45122.1 Classified employees, conviction of a violent or serious felony  
45125 Use of personal identification cards to ascertain conviction of crime  
45125.01 Classified employees; interagency agreements  
45125.1 Fingerprint for contractors  
45125.5 Automated records check  
45126 Duty of Department of Justice to furnish information

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers  
667.5 Violent felonies  
1192.7 Serious felonies  
11075-11081 Criminal record dissemination  
11105-11105.75 Criminal identification  
11140-11144 Furnishing of state criminal history information  
13300-13305 Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information  
708 Destruction of criminal offender record information

Management Resources:

WEB SITES

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

Regulation Adopted: 8/12/03



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4215**

**CLASSIFIED PERSONNEL**

**EVALUATION/SUPERVISION**

The Board of Trustees recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

The Board of Trustees expects supervisors to gauge employees' on-the-job effectiveness and skills in a fair, objective, and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or District rules and regulations.

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the District.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board of Trustees expects employees to accept responsibility and take initiative to improve their performance. The Superintendent or designee shall assist employees in obtaining needed job skills.

The evaluation shall be dated and signed by both the employee and the supervisor.

*Legal Reference:*

EDUCATION CODE

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

45261 Subjects of rules (merit system districts)

45262 Distribution of rules

GOVERNMENT CODE

3543.2 Scope of representation

*Management Resources:*

WEB SITES

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

California School Employees Association: <http://www.csea.com>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4216**

**CLASSIFIED PERSONNEL**

**PROBATIONARY/PERMANENT STATUS**

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the District.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the supervisor is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The Superintendent or designee may dismiss an employee during the initial probationary period.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed one year of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which he/she was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

*Legal Reference:*

**EDUCATION CODE**

45113 Rules and regulations for classified service in districts not incorporating the merit system  
45240-45320 Merit system

*Management Resources:*

**WEB SITES**

California School Employees Association: <http://www.csea.org>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4217.2**

**CLASSIFIED**

**PERSONNEL RESIGNATION**

Any District employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Trustees encourages employees to provide advance notice that is appropriate for the position they hold.

The Board of Trustees authorizes the Superintendent or designee to accept an employee's written resignation and to set its effective date. Once the Superintendent or designee has accepted and set an effective date for this resignation, the resignation may not thereafter be withdrawn by the employee.

*Legal Reference:*

EDUCATION CODE

35161 Board delegation of any powers or duties

44420 Failure to fulfill contract as ground for suspension of diplomas and certificates

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

CODE OF REGULATIONS, TITLES

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

*American Federation of Teachers, Local #1050 v. Board of Education of Pasadena Unified School District, (1980) 107 Cal.App.3d 829*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4222**

**CLASSIFIED PERSONNEL**

**TEACHER AIDES/PARAPROFESSIONALS**

The Board of Trustees recognizes that paraprofessionals support student learning by providing valuable assistance to teachers and other certificated personnel and enabling greater individualized instruction and supervision of students. Such employees may perform instructional and/or administrative tasks in accordance with law, Board policy and administrative regulation.

The Superintendent or designee shall ensure that paraprofessionals possess the qualifications required by law for their positions.

Paraprofessionals shall be under the immediate supervision and direction of certificated personnel.

In determining the assignment of paraprofessionals, the Superintendent or designee shall consider the greatest benefit to students based on such factors as class size, grade levels, student needs, subject matter and teacher workload.

Each paraprofessional shall be provided with a clear definition of his/her roles and responsibilities.

The Superintendent or designee shall ensure that all paraprofessionals receive ongoing support and regular performance assessments. Teachers shall receive training in how to collaborate effectively with an assistant and are expected to assign duties consistent with written job descriptions for paraprofessionals.

The Board of Trustees encourages qualified paraprofessionals to pursue opportunities that lead to attainment of a teaching credential and enable them to increase their skills and experience in the classroom.

*Legal Reference:*

EDUCATION CODE

44390-44393 California School Paraprofessional Teacher Training Program

44833 Postsecondary students as nonteaching aides

44835 Duties of nonteaching work study aides

45330 Paraprofessionals

45340-45349 Instructional aides

45350-45354 Teacher assistants

45360-45367 Teacher aides

54480-54486 Special Teacher Employment Programs

CODE OF REGULATIONS, TITLE 5

12065-12070 Teacher aides for Special Teacher Employment Programs

UNITED STATES CODE, TITLE 20

6311 State plans

6314 Schoolwide programs

6315 Targeted assistance schools

6318 Parent involvement

6319 Qualifications for teachers and paraprofessionals

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4222**

**CLASSIFIED PERSONNEL**

**TEACHER AIDES/PARAPROFESSIONALS**

*Legal Reference: (continued)*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*200.58-200.59 Qualifications and duties of paraprofessionals*

*Management Resources:*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Roles for Education Paraprofessionals in Effective Schools, 1997*

*Title I Paraprofessionals, Non-Regulatory Guidance, March 1, 2004*

*WEB SITES*

*CTC Paraprofessional Teacher Training Program: <http://www.ctc.ca.gov/para>*

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

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

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

*California School Employees Association: <http://www.csea.com>*

*National Resource Center for Paraprofessionals: <http://www.nrcpara.org>*

*National Clearinghouse for Paraeducator Resources: <http://www.usc.edu/dept/education/CMMR/Clearinghouse.html>*

Policy Adopted: 8/12/03

Policy Revised: 8/9/05

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4222**

**CLASSIFIED PERSONNEL**

**TEACHER AIDES/PARAPROFESSIONALS**

**Qualifications and Duties of Paraprofessionals**

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing and mathematics skills up to or exceeding that required for high school seniors pursuant to Education Code 51220(a) and (f) in the high school district that includes all or the largest portion of the District.

A paraprofessional who has passed a comparable proficiency test in another district shall be considered to have met the District's proficiency standards, unless the District determines that the other district's test is not comparable.

Instructional aides shall perform only such duties as, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students.

Instructional aides need not perform their duties in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge.

**Additional Qualifications and Duties of Paraprofessionals in Title I Programs**

All paraprofessionals hired after January 8, 2002, to work in a program supported by federal Title I funds shall have received a high school diploma or its equivalent.

In addition, such paraprofessionals shall have met at least one of the following criteria:

1. Completed at least two years of study (48 semester units or equivalent quarter units) at an institution of higher education
2. Obtained an associate's degree or higher
3. In a manner other than receipt of a high school diploma, met a rigorous standard of quality and demonstrated, through a locally determined assessment, knowledge of and the ability to assist in instructing either:
  - a. Reading, writing and mathematics
  - b. Reading readiness, writing readiness and mathematics readiness

**ADMINISTRATIVE REGULATION**

**AR 4222**

**CLASSIFIED PERSONNEL**

**TEACHER AIDES/PARAPROFESSIONALS**

**Additional Qualifications and Duties of Paraprofessionals in Title I Programs (continued)**

All paraprofessionals hired before January 8, 2002, and working in a program supported by Title I funds shall satisfy one of the above requirements by January 8, 2006.

A paraprofessional hired on or before January 1, 2003, shall be deemed to have met the proficiency exam requirements of item #3 above if he/she has previously demonstrated, through a local assessment, knowledge of, and an ability to assist in, instructing reading, writing and mathematics.

When a paraprofessional has previously worked in another district, the Superintendent or designee may determine whether any assessments conducted by the previous district satisfy the proficiency criteria of item #3 above.

Items #1-3 above shall not apply to any paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in Title I programs by acting as a translator.
2. Whose duties consist solely of conducting parental involvement activities consistent with Paraprofessionals working in a program supported by Title I funds.

Paraprofessionals working in a program supported by Title I funds may be assigned to:

1. Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher.
2. Assist with classroom management, such as organizing instructional and other materials.
3. Provide assistance in a computer laboratory.
4. Conduct parental involvement activities.
5. Provide support in a library or media center.
6. Act as a translator.
7. Provide instructional services to students, provided that the paraprofessional is working under the direct supervision of a teacher.



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4222**

**CLASSIFIED PERSONNEL**

**TEACHER AIDES/PARAPROFESSIONALS**

**Additional Qualifications and Duties of Paraprofessionals in Title I Programs (continued)**

Title I paraprofessionals may assume limited duties that are assigned to similar personnel in non-Title I programs, including duties beyond classroom instruction or that do not benefit Title I students, in the same proportion of total work time as non-Title I paraprofessionals.

The principal of each school operating a Title I program shall annually attest in writing as to whether the school is in compliance with federal legal requirements regarding the qualifications and duties of paraprofessionals listed above. Copies of attestations shall be maintained at the school and district office and shall be available to the public upon request.

**Parental Notification**

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their children are provided services by paraprofessionals and, if so, their qualifications.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 4222**

**CLASSIFIED PERSONNEL**

**Teacher Aides/Paraprofessionals**

**ATTESTATION REGARDING TITLE I PARAPROFESSIONALS**

School: \_\_\_\_\_ Principal: \_\_\_\_\_

1. I certify that every paraprofessional hired after January 8, 2002, and working in a program supported by Title I funds, unless he/she is exempted by law, has received a high school diploma or its equivalent and has met at least one of the following criteria pursuant to 20 USC 6319:
  - a. Completed at least two years of study at an institution of higher education
  - b. Obtained an associate's or higher degree
  - c. Met a rigorous standard of quality and demonstrated, through a locally determined academic assessment, knowledge of and the ability to assist in instructing either reading, writing and mathematics or reading readiness, writing readiness and mathematics readiness.
2. All paraprofessionals working in a Title I program are performing duties consistent with 20 USC 6319.

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4231**

**CLASSIFIED PERSONNEL**

**STAFF DEVELOPMENT**

Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, retrain to meet changing conditions in the District, and/or enhance personal growth.

The Superintendent or designee shall develop a program of ongoing staff development which may include, but not be limited to, activities related to:

1. General workplace skills and/or skills and knowledge specific to the duties of each classified position
2. The role of classified staff in achieving District goals and promoting student achievement
3. The use of technologies to improve job performance
4. Effective communication and interaction with other staff, students, parents/guardians, and community members
5. Topics related to student health, safety, and welfare
6. Topics related to employee health, safety, and security
7. For classroom instructional aides, staff development activities may also include academic content of the core curriculum; teaching strategies; classroom management; or other training designed to improve student performance, conflict resolution, and intolerance and hatred prevention

The Superintendent or designee shall involve classified staff, site and District administrators, and others, as appropriate, in the development of the District's staff development program. He/she shall ensure that the District's staff development program is aligned with District goals, school improvement objectives, and school plans.

The District's staff evaluation process may be used to recommend additional staff development for individual employees.

The Board of Trustees may budget for actual and reasonable expenses incurred by classified staff who participates in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and the District and shall regularly report to the Board of Trustees regarding the effectiveness of the staff development program.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4231**

**CLASSIFIED PERSONNEL**

**STAFF DEVELOPMENT**

*Legal Reference:*

EDUCATION CODE

41530-41532 Professional Development Block Grant

44032 Travel expense payment

44390-44393 California School Paraprofessional Teacher Training Program

45380-45387 Retraining and study leave (classified)

56240-56245 Staff development; service to persons with disabilities

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

44579-44579.6 Instructional Time and Staff Development Reform Program

GOVERNMENT CODE

3543.2 Scope of representation of employee organization

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

*Management Resources:*

WEB SITES

California Association of School Business Officials: <http://www.casbo.org>

California School Employees Association: <http://www.csea.com>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4231**

**ADMINISTRATIVE GUIDELINES FOR ATTENDANCE AT EDUCATIONAL  
CONFERENCES OR WORKSHOPS OUTSIDE LOS ANGELES AND ORANGE  
COUNTIES**

The following guidelines shall be used in planning attendance at workshops and conferences to be held outside Los Angeles and Orange Counties, or at any workshops or conference where the cost is in excess of \$100:

1. Complete the Conference or Workshop Attendance Request Form and submit to the department head.
2. Department head shall review request and, if approved, complete the form and forward it to the Superintendent for action by the Board of Trustees.
3. The District shall provide for the payment of the actual and necessary expenses if such expenses are (1) authorized in the Education Code, and (2) within the Ocean View School District adopted budget.
4. Where District employees are presenters at a workshop or conference, every endeavor shall be made for District reimbursement of all actual and necessary expenses from the sponsoring organization.
5. An expense claim must be completed within ten (10) days following conference attendance.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

1. What is Professional Growth?

- 1.1 Professional growth is the continuous, purposeful engagement in study and related activities to retain and extend high standards of performance by classified employees.
- 1.2 Professional growth is taking place if the experience reflects increased knowledge, understanding and skill in the employee's regular assignment.

2. Who is Eligible?

- 2.1 A regular classified employee who has completed his/her six month probationary period is eligible to enter the program. Part-time employees who qualify will receive prorated benefits.
- 2.2 Any employee who is on leave of absence without pay will not be able to participate in the program, nor will the employee be able to receive future credit for courses taken during that leave. Should the employee return from leave or be reinstated within 39 months to a regular position, all points accumulated prior to such leave or termination shall be reinstated.
- 2.3 If a classified employee is hired with the stipulation that completion of a specific number of units or the attainment of a degree or license is required to fulfill job requirements, then such employee shall not receive credit for the coursework in the Professional Growth Program.
- 2.4 No credit will be given for any professional growth activities prior to the employee's regular appointment into the classified service.
- 2.5 An employee must be in a paid status to receive any portion of the payment for professional growth increments. Payment will not be made for partial completion of credits if the employee terminates prior to completion of all credits.
- 2.6 If the District gives release time to an employee or pays for any fees in conjunction with a training program, such training will not qualify for professional growth credit.

3. Increments

- 3.1 Increments are defined as one-time salary payments in recognition of the completion of fifteen (15) professional growth points. An employee may receive a maximum of

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

3. Increments (continued)

four increments while employed with the Ocean View School District; however, no more than one increment may be given within two fiscal years. If an employee earns more than the necessary number of points needed for any increment, the excess number may be carried over to the succeeding increment.

- 3.2 It is the responsibility of the employee to provide verification for points completed. This verification must be submitted to the Classified Personnel Director to be recorded on the permanent record of the employee by May 1 of each year in order to receive the increment.

- 3.3 An increment will consist of a lump sum payment of nine hundred dollars (\$900) payable by July 30 for full-time employees working 40 hours per week.

Part-time employees will receive a pro-rata amount based on the ratio of his/her regular assigned hours per week on May 1, as it bears to full-time employment of 40 hours per week.

As an example, an employee whose assigned time was 20 hours per week on May 1 would receive a payment of four hundred fifty dollars (\$450) for the increment completed.

- 3.4 Normal payroll deductions will be made on any professional growth payment.

4. Professional Growth Points

4.1 Course Work

- 4.1.1 Credit may be applied to Professional Growth Program by taking courses at universities, colleges, community colleges, trade schools, or adult education. This course work must be related to improved job performance.

- 4.1.2 Course work must be completed with a grade "C" or better or "credit" or "pass." A transcript or grade card from the school attended must be attached to the application for point credit.

- 4.1.3 One point will be given for each semester unit.



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

4.2 Lectures/Training Programs, Conferences

- 4.2.1 An employee may earn credit by attending training programs and meetings or brief courses scheduled by organizations or institutions to present and discuss information which would be related to occupational and self improvement.
- 4.2.2 Points may be earned in these training programs as follows:
- 1 point -for each eight (8) hours for being a workshop presenter, lecturer, panel member
  - 1 point -for each sixteen (16) hours of attendance
- 4.2.3 Verification shall consist of a fee statement, program of activities, or registration receipt, and shall be presented to the Classified Personnel Director with a written statement explaining how this training session will assist in improved job performance.
- 4.2.4 An employee may earn credit by holding an elected or appointed office in an educational or professional organization as follows:
- 5 points for county, state or national level for each full year of service
  - 3 points for local level for each full year of service
- 4.2.5 Leadership in an employee organization or union does not qualify for professional growth credit if one of the purposes of such an organization is to participate in the collective bargaining process.

5. How to Apply

- 5.1 An employee shall prepare with his/her supervisor a tentative plan for a Professional Growth Program. For purposes of this section, supervisor is defined as the person in the management position responsible for the employee's work performance.
- 5.2 The Declaration of Intent form should be done as early in the fiscal year as possible. A sample list of appropriate courses is available in the Classified Personnel Office.

**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

5. How to Apply (continued)

Since an employee may enter the program at any time, the starting date of the individual's program is determined by the date the Declaration of Intent form is filed with Classified Personnel.

- 5.3 These plans may be changed from time to time by mutual agreement of the employee, the supervisor, and the Classified Personnel Director. The Declaration of Intent form should be completed in triplicate and distributed as follows:

- One copy to supervisor
- One copy to employee
- One copy to the Classified personnel office for the employee's file

6. Review Committee

- 6.1 A Professional Growth Review Committee composed of permanent classified employees, principals, and District administrators shall meet at designated intervals to review applications for professional growth credits and shall have the authority to determine the number of points granted for an activity.

- 6.2 The Review Committee shall consist of five (5) District employees: two selected by the Association, two by the District, and the Classified Personnel Director who will serve as chairperson.

- 6.3 Committee members representing the Association shall be elected by members of the Association. District representatives shall be appointed by the Superintendent. Release time shall be granted for members of the committee.

- 6.4 The Committee shall be governed by Robert's Rules of Order, Revised.

- 6.5 The Committee shall:

6.5.1 Elect a secretary each year from among the committee's members.

6.5.2 Evaluate and make recommendations on policies and procedures to implement the Professional Growth Program.

6.5.3 Place point value on all professional growth activities unless specified herein.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

6. Review Committee (continued)

- 6.5.4 Review and approve or disapprove employees' applications for credit and monetary compensation.

7. Responsibility of Individual Classified Employee

- 7.1 In order to qualify for any professional growth monetary compensation, it shall be the responsibility of the individual classified employee to:

- 7.1.1 Give satisfactory service in the position(s) to which he/she is assigned as demonstrated by recent evaluation.

- 7.1.2 Submit all information and forms prescribed as necessary by the review committee. Said information shall include but not be limited to the following:

- Declaration of Intent to participate in the voluntary Professional Growth Program
- Preliminary advance approval by supervisor and Classified Personnel Director of professional growth activities including courses on the list of courses approved by the review committee.
- Submit verification of completion of activities to Classified Personnel Director as soon as possible.
- Verification satisfactory to the review committee that he/she has satisfactorily completed course work and/or other activities applicable to the program.

- 7.1.3 Maintain a "records envelope" of his/her own file of report cards, transcripts or other applicable certificates of completion of course work, lectures/training programs, conferences or leadership activities. The records envelope must be submitted to the Classified Personnel Director by May 1 any year in which the employee wishes to apply for a professional growth increment, for review and approval by the Professional Growth Committee.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4231.6**

**CLASSIFIED PERSONNEL**

**PROFESSIONAL GROWTH OPPORTUNITIES**

7. Responsibility of Individual Classified Employee (continued)

7.2 The Classified Personnel Department will not be responsible for verification of any points earned. It will be the sole responsibility of the employee.

8. Employee Right to Appeal

Nothing herein shall be construed to deny an employee the right to appeal an evaluation or a recommendation with which he/she is not in agreement. Such appeals shall follow normal channels: Supervisor, Classified Personnel Director, Review Committee, Superintendent or designee.

Policy Adopted: 9/7/82  
Policy Revised: 9/19/95

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4261.1**

**CLASSIFIED PERSONNEL**

**PERSONAL ILLNESS/INJURY LEAVE**

Full-time classified employees are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work.

An employee may take sick leave at any time during the year, even if credit for sick leave has not yet been accrued. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the District.

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave.

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

A classified employee who leaves the District after at least one year of employment and accepts employment in another district or county office of education within one year shall have transferred with him/her the total amount of accumulated sick leave. This provision shall not apply to employees whose employment is terminated due to action initiated by the District for cause. The District shall not require new employees to waive their leave accumulated in a previous district.

Sick leave may be used by a classified employee for:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease.
2. Absences due to pregnancy, childbirth and recovery.
3. Cases of personal necessity.
4. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4261.1**

**CLASSIFIED PERSONNEL**

**PERSONAL ILLNESS/INJURY LEAVE**

An employee shall notify the District of his/her need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district by not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

**Sick Leave Beyond 12 Days**

After an employee has exhausted all paid leave, he/she shall receive his/her regular salary minus the amount actually paid to any substitute employed to fill the position. The employee is entitled to this differential pay for a period up to five months.

After a permanent employee who is absent because of nonindustrial accident or illness has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she shall be so notified in writing and offered an opportunity to request additional leave. The Board of Trustees may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months.

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority.

**Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4261.1**

**CLASSIFIED PERSONNEL**

**PERSONAL ILLNESS/INJURY LEAVE**

**Verification Requirements** (continued)

The Superintendent or designee may require an employee to visit a physician selected by the District and at District expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment shall be required to submit a release to return to work from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

*Legal Reference:*

**EDUCATION CODE**

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

**LABOR CODE**

233 Illness of child, parent, spouse or domestic partner



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4300**

**MANAGEMENT PERSONNEL**

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

The Board of Trustees recognizes that effective management is vital to the success of District students and programs. Management personnel are expected to demonstrate initiative and good judgment in the development, implementation, and oversight of District programs. Supervisors shall promote the productivity, professional growth, and teamwork of District staff.

The Board of Trustees shall adopt policies related to administrative and supervisory personnel insofar as they are needed to comply with law and describe terms of employment within the District.

The Board of Trustees may, by resolution, establish or abolish any or all positions of the senior management of the classified service. Any employee occupying a senior management position abolished by Board of Trustees action shall become a member of the classified or certificated service in a position to which he/she would otherwise be entitled if he/she had not been in a senior management position. (Education Code 45104.5)

*Legal Reference:*

EDUCATION CODE

35031 *Term of employment*

45100.5 *Senior management positions*

45104.5 *Abolishment of senior classified management positions*

45108.5 *Definitions of senior classified management employees*

45108.7 *Waiver of provisions of 45108.5*

45128 *Overtime*

45130 *Exclusion from overtime provisions*

45256.5 *Designation of certain positions*

GOVERNMENT CODE

3540 *Purpose*

3540.1 *Definitions*

3543.4 *Management position; representation*

3545 *Appropriateness of unit; basis*

COURT DECISIONS

*Auer v. Robbins, (1997) 117 S.Ct. 905*

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4300**

**ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

Management, supervisory and confidential positions shall be classified as follows:

1. *Management employees* are those having significant responsibilities for formulating District policies or administering District programs and who serve in a position which the Board of Trustees has legally designated as a management position.
2. *Supervisory employees* are those who, using independent judgment, have the authority, in the interest of the District, to make or effectively recommend:
  - a. Hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, or discipline.
  - b. Assigning work to employees and directing them.
  - c. Adjusting employee grievances.
3. *Confidential employees* are those who are required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

**Senior Management of the Classified Service**

A senior management employee is either a fiscal advisor to the Superintendent or an employee in the highest position not requiring certification in a principal District program area, with districtwide responsibility for formulating policy or administering the program.

Employees designated as senior management are part of the classified service and shall have the same rights, benefits and duties except the right to permanent status in these positions.

Positions in the senior management of the classified service shall be filled from an unranked list of eligible persons who have demonstrated managerial ability and who have been found qualified for the positions as specified by the Superintendent and determined by the Personnel Commission.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4311**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**RECRUITMENT AND SELECTION**

The Board of Trustees directs the Superintendent to establish certificated management recruitment procedures that will place the most highly qualified personnel in all District management positions. A vacancy constitutes an opening in a certificated management position resulting from the creation of a new position, or the resignation, retirement, reassignment to a lower salary/responsibility, or termination of a certificated management employee.

These procedures shall include, but not be limited to:

- An assessment of the District needs to determine those areas where specific skills, knowledge and abilities are needed.
- The development of a job description which accurately portrays the position.
- Dissemination of vacancy announcements to ensure a wide range of candidates.
- Screening procedures which will identify the best possible candidates for personal interviews.
- Interview procedures which will ensure the best qualified candidate for the position for recommendation to the Board.

Any non-job related inquiry, either verbal or through the use of an application form which directly or indirectly limits a candidate's employment opportunity because of race, color, religion, national origin, ancestry, medical condition, physical handicap, marital status, sex, or age shall be prohibited. This shall include questions which result in the disproportionate screening out of members of a protected group or which are not valid predictors of successful job performance.

No person shall be employed by the Board of Trustees without the recommendation of the Superintendent. The Board of Trustees shall be presented with one finalist who may be elected or rejected by the Board of Trustees. If the candidate is rejected, the Superintendent shall recommend subsequent candidates until the Board of Trustees elects someone to fill the position. The Board of Trustees shall make the final decision on the approval for employment of all employees.

Policy Adopted: 7/8/63J

Policy Revised: 11/5/91

Policy Revised: 9/19/95

Policy Revised: 10/17/95

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4311**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**PERMANENT/PROBATIONARY**

**RECRUITMENT AND SELECTION OF CERTIFICATED MANAGEMENT PERSONNEL**

The following guidelines are to be utilized in the selection of all Certificated Management personnel for the Ocean View School District, with the exception of the Superintendent. The purpose of these guidelines is to assure that the Ocean View School District selects the most outstanding individual available to fill any Certificated Management positions in the District.

A. Assessment of Need for Certificated Management Position

The Superintendent is responsible for determining the Certificated Management personnel needs of the Ocean View School District. When a new position is required to fill a District need, the Superintendent will present that information to the Board of Trustees for approval to add a new Certificated Management position. If a vacancy occurs due to resignation, retirement, reassignment or termination of a Certificated Management employee, the Superintendent will assess the need to fill that position based upon current operational and program needs. If it is determined by the Superintendent that a new or vacant position needs to be filled, the Human Resources Department will be notified in order to activate the employment process.

B. Job Description

The Human Resources department is responsible for developing a job description related to the new or vacant position to be filled. Based upon input from the Superintendent, the job description will include essential knowledge, skills, and abilities. The final draft of the job description will be approved by the Superintendent.

C. Minimum Qualifications

All Certificated Management candidates for positions in the Ocean View School District must meet the following minimum qualifications:

- Possession of a Master's Degree
- A minimum of five (5) years teaching experience in public schools
- Possession of or application on file for an Elementary or General Administrative Credential at the time of screening or application.
- An up-to-date confidential file

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4311**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**PERMANENT/PROBATIONARY**

**RECRUITMENT AND SELECTION OF CERTIFICATED MANAGEMENT PERSONNEL**

**D. Publication of Certificated Management Vacancy**

In order to attract high quality candidates for Certificated Management positions, the District will advertise an opening as broadly as possible to assure an adequate candidate pool. The items listed below indicate avenues that may be used to disseminate information about vacant Certificated Management positions.

- Notify teacher training institutions which offer programs in educational administration.
- Notify personnel within Ocean View School District who are on record as meeting minimum qualifications.
- If appropriate, notify employment advertising services about available Certificated Management positions.
- Post the advertising brochure at each site and department within Ocean View School District.

**E. Application Procedure**

1. Candidates will be advised in the posting to contact the Human Resources department in order to receive an application, job description, and other supporting information.
2. It is the responsibility of each candidate to completely fill out application materials and return them to Human Resources prior to the closing date for a Certificated Management position.
3. At a minimum, the candidate should return the District application, a confidential or placement file from a college or university or at least three current letters of recommendations. The candidate should also include a copy of currently held credentials.
4. All eligible applications received in Human Resources department prior to the closing of the position will be forwarded to an initial paper screening committee. The primary function of the paper screening committee is to determine which candidates have met all the eligibility requirements of the original posting.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4311**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**PERMANENT/PROBATIONARY**

**RECRUITMENT AND SELECTION OF CERTIFICATED MANAGEMENT PERSONNEL**

F. Interview Committee

The Interview Committee(s) will be selected by the District Superintendent or designee. Interview Committees for Certificated Management positions will include no less than five (5) members from the following categories:

- a) District level administrators (Ocean View School District)
- b) Administrators from other districts
- c) College professional staff
- d) School Principals (Ocean View School District)
- e) One Ocean View School District classroom teacher from a school where a principal Vacancy may occur. The teacher shall be elected by the Superintendent from a list of four (4) teachers selected by a majority vote of the teaching staff of the school involved.
- f) Parents from the community (one or more required).
- g) One representative selected by OVTA
- h) Other individuals selected by the Superintendent based upon special circumstances or areas of expertise (i.e. technology, business, instruction, management)

G. Interview Committee Recommendations

The Interview Committee may base its recommendations on an evaluation of confidential papers, personal interviews, reference checks related to candidate's job performance, and, if appropriate, written examinations or observations of the candidates' performance of management tasks.

The recommendations of the Interview Committee shall include three (3) candidates whose names will be forwarded to the Cabinet for their consideration.

The District Superintendent shall recommend one candidate to the Board of Trustees. If the candidate is rejected, the Superintendent shall recommend subsequent candidates until the Board of Trustees elects someone to fill the position. The final decision for employment of a Certificated Management employee rests with the Board of Trustees.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4311**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**PERMANENT/PROBATIONARY**

**RECRUITMENT AND SELECTION OF CERTIFICATED MANAGEMENT PERSONNEL**

H. Notification

It is the responsibility of the Superintendent, or designee, to notify the candidate approved by the Board of Trustees for a Certificated Management position. In addition, the Superintendent, or designee, will inform the candidate of the conditions of employment.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4312.1**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**CONTRACTS**

The Board of Trustees recognizes the importance of attracting and retaining qualified administrative and supervisory personnel to help the district achieve its goals for student learning. To that end, the Board of Trustees may employ certificated administrative and supervisory personnel and senior management of the classified staff on a contract basis. Prior to entering into any such contract, the Board of Trustees and Superintendent shall consider the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

The Board of Trustees may offer a deputy, associate, or assistant superintendent, or any other person holding a position requiring a supervision or administrative credential, a continuing contract for a period longer than one year but not to exceed four years. (Education Code 35031, 44929.20)

All contracts shall be ratified by the Board of Trustees during an open session of a Board of Trustees meeting and reflected in the Board of Trustees' minutes. Copies of the contracts shall be available to the public upon request. (Education Code 35031; Government Code 53262)

A contract shall be extended only by Board of Trustees action and subsequent to a satisfactory evaluation of the employee's performance.

During the term of the contract and with the consent of the employee, the Board of Trustees may reemploy, effective on the next succeeding first day of July, a deputy, associate, or assistant superintendent and reelect/reemploy him/her on those terms and conditions mutually agreed upon by the Board of Trustees and the employee for a new term to begin on the effective date of the termination of the existing term of employment. (Education Code 35031)

If the Board of Trustees decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 days prior to the expiration of the term of the contract. (Education Code 35031)

Employee contracts shall include a provision specifying the legal maximum cash settlement that the employee may receive upon termination of the contract. (Government Code 53260)

*Legal Reference:*

*EDUCATION CODE*

*35030 Title of deputy, associate or assistant superintendent for certain positions*

*35031 Term of employment*

*44842 Automatic declining of employment*

*44843 Notice of employment to county superintendent*

*44929.20 Continuing contract*

*44951 Continuation in position unless notified*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4312.1**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**CONTRACTS**

*Legal Reference (continued)*

*GOVERNMENT CODE*

*53260-53264 Employment contracts*

*54954 Time and place of regular meetings*

*54957 Closed session, personnel matters*

*Management Resources:*

*CSBA PUBLICATIONS*

*Maximizing School Board Governance: The Board's Relationship to District Staff, 2007*

*WEB SITES*

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

*Association of California School Administrators: <http://www.acsa.org>*

**BOARD POLICY**

**BP 4315**

**MANAGEMENT, SUPERVISORY, AND CLASSIFIED PERSONNEL**

**EVALUATION/SUPERVISION**

**Certificated Management**

The Board of Trustees shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks.
2. General expectations of performance which recognize professional responsibility, accountability, and attitude.
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Board of Trustees.
4. Additional factors as determined by the Superintendent or designee.

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated at least once every other school year. Administrators new to a position may be evaluated each year for the first two years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the employee, his/her supervisor, or the Superintendent or designee.

Formal management evaluations shall be recorded in writing on a form prescribed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the District to this end.

The evaluation report must be signed by the evaluator and the evaluatee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluatee shall not show agreement with the evaluation unless so indicated above his/her signature.

A copy of the report shall be given to the evaluatee within 10 working days following the evaluation and no later than 30 days before the last scheduled school day. The evaluatee may make a written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4315**

**MANAGEMENT, SUPERVISORY, AND CLASSIFIED PERSONNEL**

**EVALUATION/SUPERVISION**

Certificated Management (continued)

For 12-month employee, the written evaluation report shall be given to the evaluatee no later than June 30 and a discussion of the evaluation shall be held no later than July 30 of the year in which the evaluation takes place. (Education code 44663)

The Superintendent or designee shall develop regulations and procedures for the evaluation of all administrative and supervisory personnel. These written regulations and procedures shall be available to administrative and supervisory personnel. (Education Code 35171)

Classified Management Employees

Classified management personnel will be evaluated in according to the procedures developed by the Superintendent or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the District to this end.

The evaluation form must be signed by both the person being evaluated and the supervisor making the evaluation. The signature of the evaluated management employee shall not show agreement with the evaluation unless so indicated above the signature of the employee. The employee may make written response to the evaluation at any time up to 10 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and place in the employee's personnel file.

Confidential Personnel

The Superintendent or designee shall develop appropriate procedures for the evaluation of confidential personnel. Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but non confidential positions with the District.

*Legal Reference:*

EDUCATION CODE

33039 State guidelines for teacher evaluation procedures

35171 Availability of rules and regulations for evaluation of performance

44660-44665 Evaluation and assessment of performance of certificated employees

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

GOVERNMENT CODE

3543.2 Scope of representation

UNITED STATES CODE, TITLE 20

6319 Highly qualified teachers

7801 Definition of highly qualified teacher

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4315**

**MANAGEMENT, SUPERVISORY, AND CLASSIFIED PERSONNEL**

**EVALUATION/SUPERVISION**

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Standards of Quality and Effectiveness for Administrative Services Credentials, 2001*

WEB SITES

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

Association of California School Administrators: <http://www.acsa.org>

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

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

National Board for Professional Teaching Standards: <http://www.nbpts.org>

Policy Adopted: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4315.1**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**STAFF EVALUATING TEACHERS**

The Board of Trustees expects that administrators assigned to evaluate teachers shall:

1. Possess a valid administrative credential
2. Be competent in the instructional methodologies used by the teachers they evaluate
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction
4. Be familiar with District curriculum priorities, policies and practices, District standards for student progress, and District policies and procedures related to personnel supervision, performance evaluation and staff development
5. Participate in at least one inservice per year in clinical supervision and/or other approved instructional and evaluational techniques

The Superintendent or designee shall ensure that administrators who evaluate teachers meet the above criteria.

*Legal Reference:*

EDUCATION CODE

33039 *Guidelines for teacher evaluation*

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

44681-44689 *Administrator training and evaluation*

GOVERNMENT CODE

3543.2 *Scope of representation (re evaluation procedures)*

Policy Adopted: 10/14/84

Policy Revised: 9/19/95

Policy Revised: 2/5/08

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4331**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**STAFF DEVELOPMENT**

The Board of Trustees recognizes that professional development opportunities enhance employee effectiveness and contribute to personal growth. Staff development for management, supervisory and confidential personnel shall be designed to guide instructional improvement, build leadership skills, and enhance overall management efficiency.

The Superintendent or designee shall develop a plan for administrator support and development activities based on a systematic assessment of the needs of District students and staff and aligned to the District's vision and goals. The Board of Trustees desires that all administrators participate in planning activities that are pertinent to their specific areas of responsibility.

Within budget parameters, the Superintendent or designee may approve participation in activities that will benefit individual administrators and enhance their contributions to the District.

The Superintendent or designee shall evaluate the benefit to staff and students of professional development activities.

*Legal Reference:*

EDUCATION CODE

44510-44517 Principal training program

44681-44689.2 Administrator training and evaluation

60119 Instruction Materials funds

*Management Resources:*

CDE PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

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

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

Association of California School Administrators: <http://www.acsa.org>

California School Leadership Academy: <http://www.csla.org>

Policy Adopted: 5/12/02  
Policy Revised: 2/5/08



**ADMINISTRATIVE REGULATION**

**AR 4331**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**STAFF DEVELOPMENT**

Staff development activities may include but are not limited to:

1. Professional education conferences or committee meetings
2. Courses offered by institutions of higher education
3. Workshops offered by the District, county office of education or state
4. Small-group activities
5. Self-directed learning
6. Observation of other schools
7. Follow-up activities that help staff implement newly acquired skills

**PRINCIPAL TRAINING PROGRAM**

1. Training shall include instruction in the following areas:
  - a. School financial and personnel management, including hiring, recruitment, and retention practices, and misassignments of certificated personnel
  - b. Core academic standards
  - c. Curriculum frameworks and instructional materials aligned to the state academic standards, including ensuring the provisions of textbooks and instructional materials as defined in Education Code 60119
  - d. The use of student assessment instruments, specific ways of mastering the use of assessment data from the Standardized Testing and Reporting program, and school management technology to improve student performance
  - e. The provision of instructional leadership and management strategies regarding the use of instructional technology to improve student performance
  - f. Extension of the knowledge, skills, and abilities acquired in the preliminary administrative preparation program that is designed to strengthen the ability of administrators to serve all students in the school to which they are assigned

**ADMINISTRATIVE REGULATION**

**AR 4331**

**MANAGEMENT, SUPERVISORY & CONFIDENTIAL PERSONNEL**

**STAFF DEVELOPMENT**

2. The training may include additional areas that may impact student learning, such as pedagogies of learning, motivation of student learning, collaboration, conflict resolution, diversity, parental involvement, employee relations, and the creation of effective learning and workplace environments.
3. For purposes of this program, the Superintendent or designee shall select a staff development provider approved by the State Board of Education.

The Superintendent or designee shall give highest priority to training administrators assigned to, and practicing in, high-priority or hard-to-staff schools.

Regulation Adopted: 5/21/02  
Regulation Revised: 8/9/05

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4351**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**COMPENSATION FOR EARNED VACATION**

Upon termination of employment with the District, management, supervisory and confidential personnel shall be paid for earned vacation credit at the rate of pay applicable to his/her regular assignment.

Full-time management, supervisory and confidential employees earn vacation credit at the rate of 1.83 days per month (22 days per year). Part-time employees earn vacation on a pro rata basis.

Accrued vacation credit may be accumulated to a total not exceeding 33 days, except that upon written approval of the Superintendent or his/her authorized representative, vacation credit may be accumulated to a total not exceeding 44 days. Additional vacation days will not be earned until the employee reduces his or her balance below the amount set forth in this paragraph.

For employees who have a balance of more than 33 days on July 1, 2013, they will be permitted to carry over the additional days for one more year (until September 30, 2014), but must use the days during that time.

Policy Adopted: 08/19/85  
Policy Revised: 02/04/97  
Policy Revised: 02/05/08  
Policy Revised: 12/13/12

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 4361**

**MANAGEMENT, SUPERVISORY, AND CONFIDENTIAL PERSONNEL**

**LEAVES**

The Board of Trustees recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to Board policies and/or administrative regulations.

Certificated management and supervisory employees shall be entitled to those leave provisions provided in the certificated agreement unless otherwise specified in Board policy, administrative regulations or individual contract.

Classified management, supervisory and confidential employees shall be entitled to those leave provisions provided in the classified negotiated agreement unless otherwise specified in Board policy, administrative regulations or individual contract.

*Legal Reference:*

**EDUCATION CODE**

*44036 Leaves of absence for judicial and official appearances*

*44037 Unlawful to encourage exemption from jury duty*

*44940 Sex offenses and narcotic offenses; compulsory leave*

*44962-44988 Leaves of absence (certificated)*

*45190-45210 Leaves of absence (classified)*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4361.9**

**MANAGEMENT AND CONFIDENTIAL EMPLOYEES**

**CATASTROPHIC LEAVE PROGRAM**

1. The Ocean View School District shall establish a Catastrophic Leave Bank to which any Management or Confidential employee may donate earned and unused sick leave days and/or earned and unused vacation days.
2. This donation shall be irrevocable, and shall be accomplished by the employee filing an "Employee Catastrophic Leave Bank Irrevocable Deposit Form." The form shall clearly state that the sick leave days and/or vacation days being donated are irrevocably given, and cannot be rescinded for any reason whatsoever.
3. Definition

"Catastrophic illness or injury" shall mean an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's immediate family. This incapacity requires the employee to take time off from work for an extended period of time to care for that family member, which creates a financial hardship for the employee because the employee has exhausted all sick leave and other paid time off.
4. "Employee" for purposes of this Catastrophic Leave Bank only shall be any Management or Confidential employee.
5. Eligibility
  - 5.1. An employee who suffers a catastrophic illness or injury which results in the employee using all available paid leaves, including regular sick leave, vacation, and/or compensatory time off, shall become eligible to use this Catastrophic Leave Bank, subject to the restrictions and conditions outlined in this regulation.
  - 5.2. The employee must request leave and provide physician verification of injury or illness.
  - 5.3. A panel of one certificated manager, one classified manager, and one confidential employee shall determine if the employee is unable to work. The decision of the committee is not subject to any other appeal process. Committee members shall be selected by their respective groups.
6. Limits on Number of Days
  - 6.1. No employee may donate any sick leave days unless the employee has accrued and

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 4361.9**

**MANAGEMENT AND CONFIDENTIAL EMPLOYEES**

**CATASTROPHIC LEAVE PROGRAM**

6. Limits on Number of Days (continued)

maintains for his/her own use a minimum of the amount of sick leave he/she is eligible to receive in one year.

- 6.2. No employee shall donate vacation days if to do so would reduce their accrued vacation days to less than five (5).

7. Certain Types of Illness Excluded From This Leave

- 7.1. Any mental stress-related illness leave shall be excluded from the benefits of this plan.

- 7.2. Any employee receiving Industrial Accident/Illness Leave is ineligible for the benefits under this plan.

8. Catastrophic Leave Bank Approval

- 8.1. Any employee wishing to use this Catastrophic Leave Bank shall submit an "Employee Catastrophic Leave Bank Request for Withdrawal Form." This may also be initiated by the employee's supervisor with approval of the employee.

- 8.2. The request shall state the maximum number of days being requested by the employee.

- 8.3. The approval of any request shall be by the Management/Confidential Committee (see 5).

- 8.4. The decision of the committee shall not be subject to any appeal process.

- 8.5. Upon approval, a memorandum will be issued by the Assistant Superintendent of Human Resources soliciting contributions to the "Bank" to all eligible employees on behalf of the requesting employee.

9. Maximum Number of Days Used

- 9.1. An employee must request a specific number of days on an "Employee Catastrophic Leave Bank Request for Withdrawal Form."

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 4361.9**

**MANAGEMENT AND CONFIDENTIAL EMPLOYEES**

**CATASTROPHIC LEAVE PROGRAM**

9. Maximum Number of Days Used (continued)
  - 9.2. The maximum number of days allowed to be utilized by one employee for a single approved catastrophic illness or accident shall not exceed one hundred thirty (130) days.
    - 9.2.1. If the employee finds that additional days are necessary, the employee may file an additional request for consideration by the committee.
10. The Value of Donated Time
  - 10.1. Time donated from sick leave or vacation shall be credited in hourly increments. The value of each donation shall be equivalent to the current hourly rate of compensation of the donor at the date of donation.
  - 10.2. When an employee uses time from the Catastrophic Leave Bank, pay for that time shall be at the same hourly rate of pay the employee would have received had the employee worked that day. The value of the hours donated to the pool will be used until depleted to cover the cost of the compensation paid to the employee requesting the use of Catastrophic Leave. When the pool has been depleted, the employee/recipient will be in differential or unpaid status, depending on the circumstances. This stipulation is required in order to insure that the District will incur no costs as a result of this Catastrophic Leave program.
  - 10.3. Records of donations and utilization will be maintained in the Payroll Department using the Confidential/Management Catastrophic Bank usage form.
11. Employee Payroll Status
  - 11.1. Employees who are granted use of Catastrophic Leave Bank days shall be considered in regular paid status during such use.
  - 11.2. Any sick and vacation time earned while on this leave shall be utilized as earned.
12. Unused Days

Any days that are unused by the employee shall remain in the Catastrophic Leave Bank.