



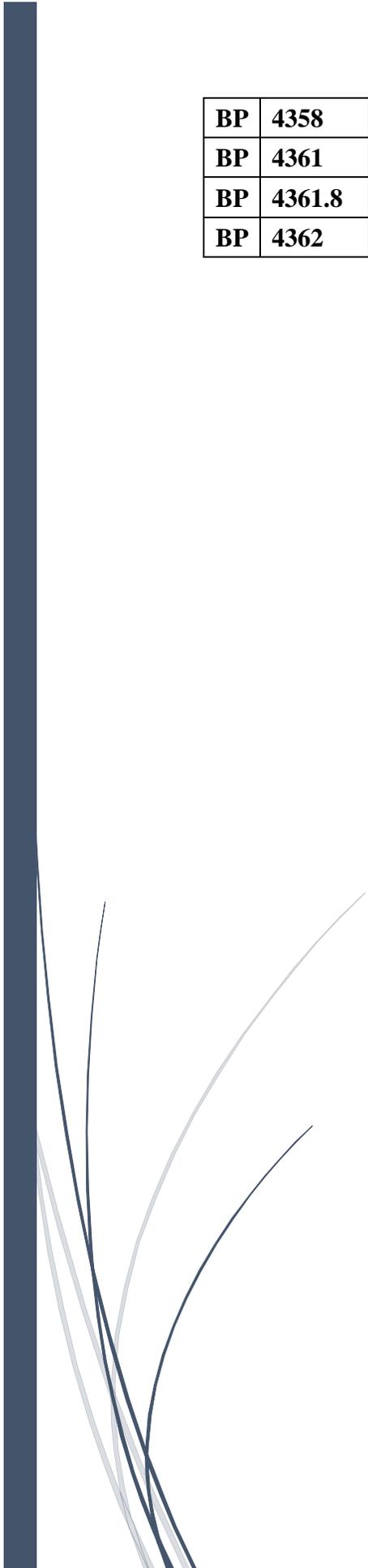
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Personnel

CONCEPTS AND ROLES IN PERSONNEL

The Governing Board wishes to establish conditions that will attract and hold the best qualified personnel for all positions, who will devote themselves to the education and welfare of the students of the district. The Board desires that teachers pursue excellence within their profession and shall provide incentives to teachers of demonstrated ability and expertise which will encourage them to stay in the public school system.

The Board believes that its personnel policies must be developed through the cooperation and participation of the employee organizations, the administrative staff, and the Board in an atmosphere of mutual faith and good will.

The Board affirms its intention to have all policies, regulations and procedures of the district conform to all requirements of law and state regulations.

The Governing Board

1. Adopts wage and salary schedules.
2. Elects or rejects employees on the recommendation of the Superintendent or designee.
3. Determines principles of treatment for employees, such as those in connection with sick leave, leaves of absence, inservice training, retirement, etc., either through the policies and regulations of the district or through negotiations with exclusive representatives (employee organizations).
4. Serves as a court of appeals in cases referred by the Superintendent or designee or which may be appealed by employees directly from the Superintendent or designee's judgment, or as specified in adopted employee organization bargaining agreements.

The Superintendent

1. Nominates for employment all certificated and classified personnel.
2. Recommends disciplinary action, including suspension and dismissal, against employees whenever there is sufficient evidence warranting any such action according to Board policy and administrative regulations, and/or state or federal laws and regulations.
3. With the staff, assigns, directs and supervises the work of all employees with due regard for the individual rights involved, proposes salary schedules for staff members not covered by an

Personnel

CONCEPTS AND ROLES IN PERSONNEL (continued)

employee organization agreement, and serves as consultant to the Board throughout negotiations with employee organizations on all matters under negotiation.

Working Relationships between Board and Superintendent

The Board desires to be guided principally by the advice of the Superintendent or designee in regard to its relations with certificated and classified personnel.

The Board does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent or designee, and will not employ any person unless recommended by the Superintendent or designee. If a nomination by the Superintendent or designee is not acceptable to the Board the nomination shall be withdrawn. The Superintendent or designee shall then present other nominations to the Board for consideration.

The Board agrees that all approaches by employees to the Board or to the individual members of the Board shall be referred to the Superintendent or designee for consideration and judgment, and to act as a court of appeals only after referrals have been made to the Superintendent or designee.

The Board desires that the Superintendent or designee conduct the district's personnel relations with fair and sound practices approved by the Board.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

35160 Powers of governing board

44490 Incentives to teachers of demonstrated ability

GOVERNMENT CODE

3540-3549.3 Public educational employer-employee relations

12940 et seq. Discrimination prohibited; Unlawful practices generally

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel**DRUG AND ALCOHOL-FREE WORKPLACE**

The Governing Board believes that the maintenance of drug-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 the Controlled Substances Act and Code of Federal Regulations before, during, or after school hours at school or in any other district workplace. The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

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

2. Establish a drug- and alcohol-free awareness program to inform employees about:

- a. The dangers of drug and alcohol abuse in the workplace.
- b. The district policy of maintaining drug- and alcohol-free workplaces.
- c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs, and
- d. The penalties that may be imposed on employees for drug and alcohol abuse violations.

3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.

5. Make a good faith effort to continue maintaining a drug- and alcohol-free workplace through implementation of Board policy.

Personnel

DRUG-AND ALCOHOL-FREE WORKPLACE (continued)

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

(cf. 4117.4 - Dismissal)

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

(cf. 4159 - Employee Assistance Programs)

Legal Reference:

GOVERNMENT CODE

8350-8357 Drug-Free Workplace

EDUCATION CODE

44011 Controlled Substance Offense

44065 Issuance of Credentials

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

THE Drug- and alcohol-free Workplace ACT OF 1988

Public Law 100-690, 5151-5160

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1989

H.R. 3614

CONTROLLED SUBSTANCES ACT

202 Schedules I-V, 21 U.S.C., 812

21 CODE OF FEDERAL REGULATIONS

1300.1-1300.15

Policy

adopted: July 5, 1990

revised: January 23, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

DRUG AND ALCOHOL TESTING; EMPLOYEES IN SAFETY-SENSITIVE POSITIONS

The Westminster School District has long-recognized that the misuse of alcohol and other controlled substances by employees in safety positions, specifically those employees required to possess a commercial driver's license, increases the likelihood of accidents and injuries to students, employees or other persons.

The Westminster School District, recognizing those inherent concerns, has hereby acted to establish and maintain an alcohol and drug testing program pursuant to and in compliance with the United States Omnibus Transportation Employee Testing Act of 1991.

The Superintendent shall be responsible for providing appropriate administrative regulations and other necessary procedures to ensure compliance with United States Code 49, Section 382, et seq., and The Omnibus Transportation Employee Testing Act of 1991.

Any covered employee who violates the provisions of this policy and/or the provisions set forth in the administrative regulations may be subject to disciplinary measures up to and including dismissal.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

UNITED STATES CODE, TITLE 49

2717 Alcohol and controlled substances testing (Omnibus Transportation Employee Testing Act of 1991)

CODE OF FEDERAL REGULATIONS, TITLE 49

40 Procedures for transportation workplace drug and alcohol testing programs

382 Controlled substance and alcohol use and testing

395 Hours of service of drivers

Holliday v. City of Modesto (1991) 229 Cal.App.3rd 528, 540

International Brotherhood of Teamsters v. Department of Transportation (1991) 932 F.2nd 1292

Policy

adopted:

January 4, 1996

WESTMINSTER SCHOOL DISTRICT

Westminster, California

All Personnel

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board desires to provide a positive work environment where employees and applicants are assured of equal access and opportunities and are free from harassment in accordance with the law. The Board prohibits district employees from discriminating against or harassing any other district employee or job applicant on the basis of the person's actual or perceived sex, race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, gender identity, gender expression, or sexual orientation.

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

(cf. 4032 – Reasonable Accommodation)

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

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

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

(cf. 5145.7 – Sexual Harassment)

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code 12926, 12940)

Harassment consists of any unwelcome verbal, physical, or visual contact that is based on any of the prohibited categories of discrimination listed above that is so severe or pervasive that it adversely affects and individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

Equal opportunity shall be provided to all qualified employees and applicants in every aspect of personnel policy and practice. The district shall not discriminate against handicapped physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question.

All Personnel

NONDISCRIMINATION IN EMPLOYMENT (continued)

All employees are expected to carry out their responsibilities in a manner that is free from discriminatory statements or conduct. Any district employees who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action up to and including dismissal.

(cf. 4117.4 – Dismissal)

(cf. 4118 – Suspension/Disciplinary Action)

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

The following position is designated as Coordinator for Nondiscrimination in Employment:

Westminster School District
Assistant Superintendent, Human Resources
14121 Cedarwood Ave.
Westminster, CA 92683
(714) 894-7311

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Superintendent who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 – Complaints Concerning Discrimination in Employment.

(cf. 4031 – Complaints Concerning Discrimination in Employment)

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisors immediately.

The Superintendent or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

(cf. 4131/4231/4331 – Staff Development)

All Personnel

NONDISCRIMINATION IN EMPLOYMENT (continued)

The Superintendent or designee shall regularly publicize, within the district and 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. (34 CFR 100.6, 106.9)

The district's policy shall be posted in all district schools and offices including staff lounges and student government meeting rooms. (5 CCR 4960)

Legal References:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful Discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF FEDERAL REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF FEDERAL REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621 et seq. Age Discrimination in Employment Act

791 et seq. Vocational Rehabilitation Act of 1973, Sections 503 and 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

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

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

6101-6107 Age discrimination in federally assisted programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.7 Designation of responsible employee for Section 504

104.8 Notice

All Personnel

NONDISCRIMINATION IN EMPLOYMENT (continued)

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

110.1-110.39 Nondiscrimination on the basis of age

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

MANAGEMENT RESOURCES

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORUTNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

Enforcement Guidance: Reasonable Accommodation and Undue Hardships under the Americans with Disabilities Act, October 2002

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

WEB SITES

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

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

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

Policy

Adopted: January 17, 1991

Revised: December 3, 1992

Revised: January 6, 1994

Revised: February 14, 2013

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel**EMPLOYEE USE OF TECHNOLOGY**

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

Employees shall be responsible for the appropriate use of technology and shall use the district's technological resources only for reasonable purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees shall be notified that computer files and electronic communications including e-mail and voice mail, are not private. These technologies 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. (20 USC 6777; 47 USC 254)

To ensure proper use of the system, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of e-mail and voice mail-systems, and stored files at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

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 regulations.

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.

Personnel

EMPLOYEE USE OF TECHNOLOGY (continued)

In the event that the use of an electronic resource affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

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

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

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

UNITED STATES CODE, TITLE 20

6751-6777 Enhancing Education Through Technology Act, No Child Left Behind Act, Title II, Part D

6777 Internet Safety

Personnel

EMPLOYEE USE OF TECHNOLOGY (continued)

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building the Future, 1994

CDE PROGRAM ADVISORIES

1223.94 Acceptable Use of Electronic Information Resources

WEB SITES

CDE: <http://www.cde.ca.gov>

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

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

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

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

Policy

adopted: October 16, 2003

Revised: May 3, 2007

Revised: June 9, 2011

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

RECRUITMENT AND SELECTION

The district shall employ the most highly qualified person available for each open position. The Superintendent or designee shall develop recruitment and selection procedures which include:

1. Assessment of the district's needs to determine those areas where specific skills, knowledge and abilities are lacking.
2. Development of job descriptions which accurately portray the position.
3. Dissemination of vacancy announcements to ensure a wide range of candidates.
4. Screening procedures which will identify the best possible candidates for interview.
5. Interview procedures which will determine the best qualified candidate for recommendation to the Governing Board.

Staff members involved in the selection process shall recommend only those candidates who meet all qualifications established by law and the Board for a particular position. Nominations for employment shall be based upon appropriate screening devices, interviews, observations, and recommendations from previous employers.

(cf. CTA Negotiated Agreement)

(cf. 4111.1/4211.1/4311.1 - Affirmative Action)

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

No person shall be employed by the Board without the recommendation or endorsement of the Superintendent or designee. The Board shall be presented with the Superintendent or designee's recommended candidate who may be elected or rejected by the Board. If the candidate is rejected, the Superintendent or designee shall recommend subsequent candidates until the Board elects someone to fill the position. The Board shall make the final decision on the election of all employees.

The Superintendent or designee may enter into employment contracts with persons to be employed for not longer than one year.

Legal Reference:

EDUCATION CODE

200-261 Prohibition of discrimination on the basis of sex

44066 Limitations on certification requirement

Personnel

RECRUITMENT AND SELECTION (continued)

44259 Teaching credentials; exception; designated subjects; minimum requirements

44830 Employment of certificated persons

44830.5 Assignment of certificated employees to district; ethnic ratio

44859 Prohibition against certain rules and regulations re residency

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative action employment programs

GOVERNMENT CODE

12900 Unlawful employment practices

12940 et seq. Discrimination prohibited; Unlawful practices, generally

LABOR CODE

1420 Unlawful employment practices

TITLE VII, CIVIL RIGHTS ACT as amended by Title IX, Equal Employment Opportunity Act

IMMIGRATION REFORM AND CONTROL ACT OF 1986

Personnel

AFFIRMATIVE ACTION

The Superintendent or designee shall maintain an affirmative action program as required by law.

As part of this program, the Superintendent or designee shall determine whether the following groups are underrepresented within the district work force: men, women, whites, blacks, Hispanics, Asians, American Indians or other minorities. Where underrepresentation exists, the affirmative action program shall specify remedial action to be taken, including hiring goals and timetables.

The affirmative action program shall be temporary and shall be fashioned in response to a demonstrated need for remedial action. The Superintendent or designee shall update the affirmative action program not less than every five years. The program shall not unnecessarily hinder the employment of any group member.

The Superintendent or designee shall publicize this policy throughout the district and the community. The Superintendent or designee shall report to the Board annually regarding the extent to which program goals are being achieved.

(cf. 4030 - Nondiscrimination in Employment)

Legal Reference:

EDUCATION CODE

44100-44105 Affirmative action employment

44830 Employment restricted to persons possessing prescribed qualifications; public policy of State against discrimination on basis of race, etc.

44830.5 Assignment of certificated employees to district; ethnic ratio

CODE OF REGULATIONS, TITLE 5

30-31 Affirmative action employment programs

CODE OF REGULATIONS, TITLE 5

90-101 Plans to alleviate racial and ethnic segregation of minority students

TITLE VI and TITLE VII, CIVIL RIGHTS ACT OF 1964, as amended 42 U.S.C. 2000d and 2000e et seq.

TITLE IX, 1972 EDUCATION ACT AMENDMENTS

42 U.S.C. 1681 et seq.

VOCATIONAL REHABILITATION ACT OF 1973

29 U.S.C. 794

AGE DISCRIMINATION IN EMPLOYMENT ACT

29 U.S.C. 621-624

VIETNAM ERA VETERANS' ACT

38 U.S.C. 2012 et seq.

Johnson v. Transportation Agency, Santa Clara

Personnel

AFFIRMATIVE ACTION (continued)

107 S. Ct. 1442 (1987)
United Steel Workers v. Weber
443 U.S. 193 (1979)

Policy
adopted: July 5, 1990
revised: January 17, 1991

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

LEGAL STATUS REQUIREMENT

In accordance with law, the district shall ask all new employees to provide documentation of employment eligibility. The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. District employment practices shall not discriminate on the basis of citizenship status or natural origin, nor shall they discriminate against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

(cf. 4111/4211 - Recruitment and Selection)

Within three days of employment, all new employees shall show appropriate documents which certify that they are legally eligible to work. Documents specified by law which serve this purpose shall be those stated in school district administrative regulation.

For all employees hired after November 6, 1986, Immigration and Naturalization I-9 forms shall be kept as required by law and specified in administrative regulation.

I-9 forms shall be available for inspection by Immigration and Naturalization Service (INS) or Department of Labor officers upon request.

Because the documents required to determine employment eligibility may contain confidential information which could affect decisions regarding hiring and/or advancement, the Superintendent or designee shall establish procedures to protect the full confidentiality of any copies of such documents made by the district.

Legal Reference:

IMMIGRATION REFORM AND CONTROL ACT OF 1986 AND IMMIGRATION ACT OF 1990.

CODE OF FEDERAL REGULATIONS, TITLE 8

247(a) Control of Employment of Aliens

Policy

adopted: July 5, 1990

revised: December 3, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

CONTRACTS

Reemployment Notices - Probationary and Permanent Personnel

Prior to May 30 of each year, the Governing Board shall give or mail notices to probationary and permanent certificated employees requesting that they notify the district of their intent to remain in district service for the next school year. If the employee, without good cause, fails to notify the district before July 1 that he/she will remain in district service, the Board shall consider the employee to have declined reemployment. The employee's service may then be terminated on June 30. (Education Code 44842)

If first and second year probationary employees are not given notice of dismissal or a decision not to rehire, they shall be rehired for the following year.

(cf. 4117.4 - Dismissals)

Legal Reference:

EDUCATION CODE

44842 Automatic declining of employment

44843 Notice of employment (to county superintendent)

44916 Time of classification; statement of employment status

44929.20 Continuing contract; districts with less than 250 ADA

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

CERTIFICATION

Responsibility for Renewal

All certificated personnel are personally responsible for renewing their credentials and for keeping them valid.

No Pay for Invalid Credential

A teacher whose credential is not valid cannot be paid for the time service is rendered under such conditions.

Responsibility for Registration

Each credential actively used by the teacher must be registered with the office of the County Superintendent of Schools. This is the teacher's responsibility.

Certification and Registration Required

No warrant will be drawn in favor of any person requiring certification until he/she is properly credentialed and registered with the county.

Emergency and Provisional Credentials

Teachers may teach on emergency or provisional credentials, providing no regularly credentialed teachers are available.

Proficiency in Reading, Writing and Mathematics

The district will not initially employ any certificated person on a permanent, temporary or substitute basis unless that person has demonstrated basic skills proficiency as required by law or is exempt from this requirement.

(cf. 4120 - Temporary and Part-Time Personnel)

Legal Reference:

EDUCATION CODE

32340-32341 Unlawful issuance of a credential

44066 Limitations on certification requirements

44250-44275 Credential types

44251 Period of credentials

Personnel

CERTIFICATION (continued)

- 44252 Standards and procedures for issuance; proficiency testing of basic skills
- 44252.5 State basic skills assessment required for certificated personnel
- 44254 Emergency credentials
- 44277 Requirements for maintaining valid credentials
- 44278 Credential appeal
- 44325 et seq. District interns
- 44330-44355 Certificates and credentials
- 44830 Employment of certificated persons; requirement of proficiency in basic skills
- 44830.3 Employment of district interns
- 44857 Registration of certification document

Personnel

STAFF FOR LIMITED-ENGLISH PROFICIENCY PROGRAMS

The Governing Board recognizes that the recruitment, development and retention of an adequate number of qualified instructors and assistants is essential to the success of programs for students of limited English proficiency. The Board shall take action, within budgetary constraints, to provide personnel who are competent to properly assess and skillfully instruct students of limited English proficiency.

LEP staff competencies shall be determined either by their credentials or by their meeting district criteria which have been approved by the State Department of Education.

The Superintendent or designee shall develop a plan to remedy the district's shortage of qualified teachers in accordance with law and with State Department of Education approval. This plan shall include an appropriate staff development program designed to provide training in English language development teaching methodology, bilingual crosscultural teaching methodology, and in the acquisition of the primary language of students of limited-English proficiency. The plan shall specify the number of teachers to be trained and the number expected to meet certification or local designation standards each year. The training program shall also address the needs of teachers assigned to LEP instructional settings on an interim basis.

(cf. 4112.21 - District Interns)

(cf. 4113 - Assignment)

(cf. 6174 - Education for Students of Limited English Proficiency)

Legal Reference:

EDUCATION CODE

44253.5-44253.7 Certification for bilingual-crosscultural competence

52150-52151 Bilingual teacher grant program

52160-52178.4 Bilingual-Bicultural Act of 1976

62000-62005.5 Evaluation and sunseting of programs

20 UNITED STATES CODE, 1702-1703

Teresa P. et al. v. Berkeley Unified School District et al.

San Francisco Federal District Court, 2/14/89, Dock No. Civ. 87-2396

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

SPECIAL EDUCATION STAFF

Resource Specialists

The Governing Board shall employ certificated resource specialists to provide services, where required by law, for students who have exceptional needs, their parents/guardians, and school staff. The resource specialist program shall be directed by a resource specialist fully qualified in accordance with law.

- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 3541.2 - Transportation for Special Education Students)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))*
- (cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)*
- (cf. 6159 - Individualized Education Program (IEP))*
- (cf. 6169.1 - Procedural Safeguards and Complaints)*
- (cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)*
- (cf. 6159.3 - Appointment of Surrogate Parent)*
- (cf. 6164.4 - Identification of Individuals with Exceptional Needs)*

Legal Reference:

EDUCATION CODE

- 52613-52614 Instructional personnel; small or sparse SELPAs
- 56221 Adoption of policies
- 56361 Program options
- 56362 Resource Specialist program, contents, direction; resource specialists, caseloads, assignments, instructional aide; pupil enrollment
- 56362.1 Caseload
- 56362.5 Resource specialist certificate of competence
- 56362.7 Bilingual-crosscultural certificate of assessment competence
- 56363.3 Average caseload limits
- 56441.7 Maximum caseload (programs for individuals with exceptional needs between the ages of three and five inclusive)
- 56728.6 Instructional personnel funding
- 56728.8 Instructional personnel funding; services to infants

CODE OF FEDERAL REGULATIONS, TITLE 5

- 3051.1 Language, speech and hearing development and remediation; appropriate credential

Policy
adopted: December 3, 1992

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

OATH OR AFFIRMATION

All public employees are disaster service workers. Before taking up their duties, employees must take the oath or affirmation required by law. (Government Code 3100-3109)

The Superintendent or designee shall administer this oath when district employees are hired. Legally employed aliens shall be exempt from this requirement.

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 superiors. (Government Code 3100)

(cf. 6114 - Emergencies and Disaster Preparedness Plan)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

44334 Oath or affirmation

44354 Administration of oath

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

CONSTITUTION OF THE STATE OF CALIFORNIA

Article 20, Section 3 Oath of office

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

Chilton v. Contra Costa Community College District

55 Cal. App. 3d 554

Policy

adopted: January 23, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

HEALTH EXAMINATIONS

New Employees

The Superintendent or designee shall ensure that new district employees comply with all the health examination requirements of California law.

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a preemployment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests in accordance with law.

Employees may be required to pass a physical and/or psychological examination at any time such an examination appears necessary to preserve the health and welfare of district students and employees, or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

(cf. 4119.41 - Employees with Infectious Disease)

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, psychiatric examination; mandatory sick leave

45122 Physical examinations

49406 Examination for tuberculosis

CODE OF REGULATIONS, TITLE 5

5502-5503 Physical examination for retired persons for service as substitute teacher, etc.

5504 Medical certification procedures

Policy
adopted; July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYMENT OF RELATIVES

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Superintendent or designee.

(cf. 9270 - Conflict of Interest)

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

All Personnel

EMPLOYEE NOTIFICATIONS

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications he/she believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgements shall be retained in each employee's personnel file.

(cf. 3580 District Records)

(cf. 4112.6/4212.6/4312.6 – Personnel Files)

Legal References:

EDUCATION CODE

231.5 Sexual harassment policy

17612 Notification of pesticide use

22455.5 STRS information to potential members

22461 Post-retirement compensation limitation

35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services

35171 Notice of regulations pertaining to certificated employee evaluations

37616 Notice of public hearing on year-round schedule

44031 Personnel file contents, inspection

44663-44664 Evaluation of certificated employees

44842 Re-employment notices, certificated employees

44896 Transfer of administrator or supervisor to teaching position

44916 Written statement of employment status

44929.21 Reelection or nonreelection of probationary employee after second year

44934 Notice of disciplinary action for cause

44938 Notice of unprofessional conduct and opportunity to correct

44940.5-44941 Notification of suspension and intent to dismiss

44948.3-44948.5 Dismissal of probationary employees

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified, administrative or supervisory personnel

44954 Nonreelection of temporary employees

44955 Reduction in number of employees

45113 Notification of charges, classified employees

45117 Notice of layoff, classified employees

45169 Employee salary data, classified employees

45192 Industrial and accident leave

All Personnel

EMPLOYEE NOTIFICATIONS (continued)

45195 Additional leave

46162 Notice of public hearing on block schedule

49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion

GOVERNMENT CODE

1126 Incompatible activities of employees

3100-3109 Oath or affirmation of allegiance

8355 Certification of drug-free workplace, including notification

12950 Sexual harassment

54957 Complaints against employees; right to open session

54963 Unauthorized disclosure of confidential information

HEALTH AND SAFETY CODE

104420 Tobacco-free schools

120875 Information on AIDS, AIDS-related conditions, and hepatitis B

120880 Notification to employees, re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE

2800.2 Notification of availability of continuation health coverage

3550-3553 Notifications re: workers' compensation benefits

5401 Workers' compensation; claim form and notice of potential eligibility

PENAL CODE

11165.7 Child Abuse and Neglect Reporting Act; notification requirement

11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE

2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2

7288.0 Sexual harassment training, provision of district policy

CODE OF REGULATIONS, TITLE 5

4622 Uniform complaint procedures

80303 Reports of change in employment status, alleged misconduct

CODE OF REGULATIONS, TITLE 8

3204 Employees exposed to bloodborne pathogens, access to exposure and medical records

5193 California bloodborne pathogens standard

UNITED STATES CODE, TITLE 38

4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement

UNITED STATES CODE, TITLE 41

8101-8106 Drug-free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 29

825.300 Family and Medical Leave Act; notice requirement

CODE OF FEDERAL REGULATIONS, TITLE 34

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

All Personnel

EMPLOYEE NOTIFICATIONS (continued)

5193 California bloodborne pathogens standard

UNITED STATES CODE, TITLE 38

4344 Uniformed Services Employment and Reemployment Rights Act, notice requirement

UNITED STATES CODE, TITLE 41

8101-8106 Drug-free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 29

825.300 Family and Medical Leave Act; notice requirement

CODE OF FEDERAL REGULATIONS, TITLE 34

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

Policy

Adopted: July 5, 1990

Revised: March 14, 2013

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

ASSIGNMENT

The Governing Board respects the importance of assigning teachers in accordance with the law, so as to serve the best interests of our students and the educational program. Insofar as possible, the Superintendent or designee shall assign certificated personnel to positions for which their preparation, certification, professional experience and aptitude qualify them.

(cf. 4112.2 – Certification)

(cf. 4112.21 – Interns)

(cf. 4112.22 – Staff Teaching Students of Limited English Proficiency)

(cf. 4112.23 – Special Education Staff)

(cf. 4112.8/4212.8/4313.8 – Employment of Relatives)

In accordance with the collective bargaining agreement or Board Policy, teachers may be assigned to any school within the district.

(cf. 4141/4241 – Collective Bargaining Agreement)

Assignment to Courses/Classes

The Superintendent or designee shall assign teachers to courses base don the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare him/her to provide instruction in that subject.

Teachers who are assigned to teach core academic subjects shall meet the requirements of the No Child Left Behind Act (NCLB) pertaining to qualifications of highly qualified teachers. (20 USC 6319, 7801; 5 CCR 6100-6126)

(cf. 4112.24 – Teacher Qualifications Under the No Child Left Behind Act)

The Superintendent or designee may assign a teacher, with his/her consent, to a position outside his/her credential authorization when specifically authorized by law or regulation, and in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing's Administrator Assignment Manual. Assignments made pursuant to Education Code 44256, 44258.2, and 44263 shall be annually approved by Board resolution. In such cases, the Superintendent or designee shall reference in district records the statute or regulation under which the assignment is authorized.

(cf. 3580 District Records)

Personnel**ASSIGNMENT** (continued)

The Superintendent or designee shall periodically report to the Board on teacher assignments and vacancies, including the number and type of assignments made outside a teacher's credential authorization through a local teaching assignment option. Whenever district misassignments and vacancies are reviewed by the County Superintendent of Schools or Commission on Teacher Credentialing, as applicable, the Superintendent or designee shall report the results to the Board and shall provide recommendations for rectifying any identified issues.

(cf. 1312.4 Williams Uniform Complaint Procedures)

Equitable Distribution of Qualified Teachers

In order to ensure that highly qualified and experienced teachers are equitably distributed among district schools, including those with higher than average levels of low-income, minority, and/or academically underperforming students, the Superintendent or designee shall:

1. Verify that all teachers of core academic subjects possess the qualifications of highly qualified teachers as required by NCLB or develop immediate and long-term solutions for ensuring that all core academic classes will be taught by highly qualified teachers
2. Not assign teachers with provisional internship permits, short-term staffing permits, or credential waivers to schools that have 40 percent or higher poverty or are ranked in deciles 1-3 on the statewide Academic Performance Index
3. Not place interns in high-poverty, low-performing schools in greater numbers than in schools with low poverty or higher academic achievement
4. Compare teacher retention rates across district schools and develop strategies to recruit and retain experienced and effective teachers in hard-to-staff schools

(cf. 4111 – Recruitment and Selection)

The Superintendent or designee shall annually report to the Board and the California Department of Education (CDE) comparisons of teacher qualifications across District schools. When required by the CDE, the Superintendent or designee shall develop an equitable distribution plan to identify strategies for recruiting, developing, and retaining highly qualified teachers in low-performing schools. As needed, the Board may direct the Superintendent to transfer teachers to high-need schools in accordance with law and the collective bargaining agreement, and/or may align district resources to improve the skills and qualifications of teachers at those schools.

(cf. 4114 – Transfers)

(cf. 4131 – Staff Development)

(cf. 4131.1 – Beginning Teacher Support/Induction)

(cf. 4138 – Mentor Teachers)

Personnel

ASSIGNMENT (continued)

The Superintendent or designee shall ensure that workshops are held for district administrators clarifying the proper assignment of teachers within their credential authorizations.

Legal References:

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
- 44314 Subject matter programs, approved subjects
- 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 (re transfer/reassignment)

CODE OF REGULATIONS, TITLE 5

- 6100-6126 Teacher qualifications, No Child Left Behind Act
- 80003-80005 Credential authorizations
- 80020-80020.5 Additional assignment authorizations
- 80335 Performance of unauthorized professional services
- 80339-80339.6 Unauthorized certificated employee assignment

UNITED STATES CODE, TITLE 20

- 6311 State Plan
- 6319 Highly qualified teachers
- 6601-6651 Teacher and Principal Training and Recruiting Fund
- 7801 Definitions, highly qualified teacher

CODE OF FEDERAL REGULATIONS, TITLE 34

- 200.55-200.57 Highly qualified teachers

Management Resources:

- CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
- Revised State Plan for the No Child Left Behind Act, rev. September 2008
- COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
- The Administrator's Assignment Manual, rev. September 2007
- U.S. DEPARTMENT OF EDUCATION GUIDANCE
- Improving Teacher Quality State Grants: ESEA Title II, Part A, rev. October 5, 2006

Personnel

ASSIGNMENT (continued)

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>

Santa Clara County Office of Education, Personnel Management Assistance Team:

<http://www.sccoe.org/depts/pmat>

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

(3/04 11/04) 3/09

Policy

Adopted: July 5, 1990

Revised: May 9, 2013

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

PROBATIONARY/PERMANENT STATUS

Permanent status is granted by law to teachers who have satisfactorily passed a period of probationary service. Permanent personnel may continue in teaching positions if they keep their teaching certificate in force, remain free from communicable diseases, and are not dismissed for reasons specified in the state school law.

Permanent status applies only to teachers holding credentials issued by the Commission on Teacher Credentialing.

A probationary teacher who has been employed by the district for two complete, consecutive school years and is then rehired for the next succeeding school year shall become a permanent employee at the commencement of the third year. (Education Code 44929.21)

(cf. 4117.4 - Dismissal)

(cf. 4120 - Temporary and Part-time Personnel)

(cf. 4121 - Substitute Teachers)

Probationary Employee Assistance and Training

The Governing Board recognizes probationary certificated employees as new employees who should be provided the opportunity to improve their classroom performance and instruction through staff development, performance assessment, and inservice training.

The Superintendent or designee shall develop regulations establishing procedures which recognize the status of probationary employees and provide assurances for training, assistance, and evaluations to increase classroom performance and instruction.

The Board shall review this policy and related regulations annually.

(cf. 4115 - Evaluation)

(cf. 4131 - Staff Development)

Legal Reference:

EDUCATION CODE

35160.5 Mandated policies required by 12-1-84

44325 District intern certificates

44328 Credentials; awarding to interns

44830.3 Employment of district interns

44850.1 No tenure in administrative or supervisory position

Personnel

PROBATIONARY/PERMANENT STATUS (continued)

- 44885.5 District interns as probationary or permanent employees
- 44908 Complete year for probationary employees
- 44915 Classification of probationary employees
- 44929.21 Districts with over 250 ADA
- 44929.24 Teacher trainees
- 44929.28 Employment by another district
- 44948.2 Election to use provisions of Education Code 44948.3
- 44948.3 Dismissal of probationary employees

Policy
adopted: July 5, 1990
revised: December 3, 1992

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

RETIREMENT

There shall be no compulsory retirement age.

Any certificated employee who is a member of the State Teacher's Retirement System may retire from service at the employee's option upon written application to the State Teachers Retirement Board under provisions of Education Code 23901.

Employees should notify the Superintendent or designee of their intention to retire as soon as possible so that a suitable replacement may be found.

Any certificated employee may retire for disability under the terms and conditions of Education Code 23902 et seq.

Legal Reference:

EDUCATION CODE

22000 et seq. State Teachers' Retirement System

23902 Application for disability allowance; conditions

24200 Retirement allowance options

44907 Effect of retirement

44956 Rights of terminated permanent employee

Policy
adopted: July 5, 1990,

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

RESIGNATION

The Superintendent or designee is authorized to accept the written resignation of any employee on behalf of the Governing Board, and the resignation shall become effective immediately upon acceptance by the Superintendent or designee. A resignation presented to and accepted by the Superintendent or designee may not be withdrawn by the employee.

The Board may reinstate an employee whose resignation has been accepted by the Superintendent or designee.

If a certificated employee leaves the employ of the district during the school year without obtaining acceptance of his/her resignation, or leaves before the effective date of the resignation, the Superintendent or designee is directed to report this fact, with supporting evidence, to the Commission for Teacher Preparation and Licensing. The Commission may suspend the credentials of teachers who leave the district in this manner.

Legal Reference:

EDUCATION CODE

44242.5 Reports of change in employment status, alleged misconduct

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

44930 Acceptance and date of resignation

CALIFORNIA COURT OF APPEALS, First District, 1980 AMERICAN FEDERATION OF TEACHERS, LOCAL NO. 1050 v. BOARD OF EDUCATION OF PASADENA UNIFIED SCHOOL DISTRICT (see California School Law Digest, Vol. VIII No. 8, August 1980, page 97)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

PERSONNEL REDUCTION

The Governing Board may determine that a reduction in certificated personnel or a reduction in hours and wages is necessary due to any of the following conditions:

1. Declining enrollment.
2. Reduction or discontinuance of programs or services.
3. State-mandated modification of the curriculum.
4. Reasons related to fiscal crisis as stated in Education Code 44955.5.

The Board shall authorize the Superintendent or designee to lay off employees by adopting a resolution to that effect.

No permanent certificated employee shall be terminated or given a reduction in hours and wages while any probationary employee or other employee with less seniority is retained to render a service which a permanent employee is certified and competent to render, except as otherwise provided by law.

In cases of declining enrollment, the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost.

The Board shall adhere to the notice, hearing and layoff procedures in Education Codes 44949 and 44955.

Legal Reference:

EDUCATION CODE

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

11500-11528 Administrative adjudication

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

DISMISSAL

Dismissal of Permanent Employees

Permanent employees shall not be deprived of their position except when cause for the dismissal can be shown. Cause and procedures for dismissal are defined by provisions of Education Code 44932 et seq.

Dismissal of Probationary Employees

During the school year, teachers who are first and second year probationary employees, including district interns may be dismissed for causes specified in Education Code 44932 or for unsatisfactory performance determined pursuant to Education Codes 44660-44665. Procedures and time limits for such action shall be those set forth in Education Code 44948.3.

Decision Not to Rehire

The Governing Board may decide not to rehire a probationary employee at the end of his/her first year and give written notice of its decision to the employee at any time during the year. If the Board does not give written notice, the employee shall be rehired for the following year. (Education Code 44929.21)

The Board may decide not to rehire a probationary employee at the end of his/her second consecutive year and give written notice to the employee on or before March 15. If the Board does not give written notice on or before March 15, the employee shall be rehired for the following year. (Education Code 44929.21)

(cf. 4116 - Probationary/Permanent Status)

Dismissal of Substitute Employees

Substitute employees may be dismissed at any time, subject to their reemployment rights under Education Code 44918. (Education Code 44953)

Legal References:

EDUCATION CODE

44918 Substitute or temporary employee; reemployment rights

44929.21 Districts with 250 ADA or more; notice of reelection decision

44932 et seq. Suspension and/or dismissal of permanent employees

44948 Dismissal or suspension of probationary employees during school year

Personnel

DISMISSAL (continued)

44948.3 Re dismissal of probationary employees (over 250 ADA)

44048.5 Re dismissal of probationary employees (under 250 ADA)

44953 Dismissal of substitute employees

GOVERNMENT CODE

3543.2 Scope of representation (re duty of district to meet and negotiate regarding causes and procedures for discipline less than dismissal)

Personnel

SEXUAL HARASSMENT

The Governing Board prohibits sexual harassment in the working environment of Department employees or applicants by any person in any form.

According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the Department defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision or academic decision affecting that person, or 3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal. Employees are personally liable for any harassment perpetrated by them.

Any employee or applicant for employment who feels that he/she or another individual in the District is being sexually harassed should immediately contact his/her supervisor, principal, or the Assistant Superintendent, Personnel Services. Employees should report any incidents they may observe even if the harassed employee has not complained.

Any supervisor who receives a harassment complaint shall report complaints to the Assistant Superintendent, or designee, who will immediately log the complaint and ensure that the complaint is appropriately investigated. The Assistant Superintendent, Human Resources, Westminster School District, 14121 Cedarwood Avenue, Westminster, CA 92683, 714-894-7311 Ext. 431, is the District's Title IX Officer and Sexual Harassment Officer.

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action, up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of law relating to child abuse.

Personnel

SEXUAL HARASSMENT (continued)

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible within legal constraints, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

The District encourages complainants to file their alleged charge(s) of sexual harassment with the District. However, complainants are not prohibited from submitting their complaint(s) directly to the Department of Fair Employment and Housing (DFEH). The address and telephone number of the local office of the DFEH is as follows:

Department of Fair Employment and Housing Commission
28 Civic Center Plaza, Room 538
Santa Ana, CA 92701-4010 (714) 558-4159

Legal Reference:

EDUCATION CODE

- 200.231.5 Prohibition of discrimination on the basis of sex, especially:
- 212.5 Sexual harassment, defined
- 230 Particular practices prohibited
- 231.5 Sexual harassment policy

GOVERNMENT CODE

- 12900-12996 Fair Employment and Housing Act
- UNITED STATES CODE, Annotated TITLE 42
 - 2000d & 2000e et seq. Title VII, Civil Rights Act of 1964 as amended
- UNITED STATES CODE, Annotated TITLE 20
 - Sections 1681 et seq., Title IX, of the Education Amendments Act of 1972
 - Meritor Savings Bank v. Vinson, 447 U.S. 57 (1986)
 - Franklin v Gwinnett County Schools, 503 U.S. 60 (1992)
 - Harris v. Forklift Systems 510 U.S. 17 (1993)
 - Burlington Industries Inc. v. Ellerth, 524 U.S. 742 (1998)
 - Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
 - Oncala v. Sundowner Offshore Services, Inc. 523 U.S. 75 (1998)

Policy

- adopted: July 5, 1990
- Revised: November 15, 2001
- Revised: January 10, 2008

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

CODE OF ETHICS

The Governing Board expects district employees to maintain the highest ethical standards to follow district policies and regulations, and to abide by state and national laws. Employee conduct should enhance the integrity of the district and the goals of the educational program.

The Board encourages district employees to accept as guiding principles the code of ethics published by professional associations to which they may belong.

(cf. 9271 - Code of Ethics)

Legal Reference:

CODE OF REGULATIONS, TITLE 5

80331-80338 Rules of conduct for professional educators

Policy

adopted: July 5, 1990

revised: January 23, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

Confidential information generated by the Superintendent or staff shall be under the control of the Governing Board. Under the control of the Board, the Superintendent or designee will determine who is to receive this information for communication purposes. All confidential information so shared with staff is to remain confidential, unless approval is given by the Superintendent or designee to do otherwise.

No information regarding District function and operation shall be withheld from the Board.

Any employee who willfully releases confidential/privileged information about students, staff, or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from District service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

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.

(cf. 1340 - Access to District Records)
(cf. 5125 - Student Records; Confidentiality)
(cf. 9321 - Closed Sessions)

Legal References:

EDUCATION CODE

- 35010 Control of district; prescription and enforcement of rules
- 35146 Closed sessions (re student suspension)
- 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
- 49060-49078 Pupil records

Personnel

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

GOVERNMENT CODE

1098 Public officials and employees: confidential information

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

54957 Closed session; purposes for holding; definition of "employee" exclusion of witnesses

54957.2 Taking of minutes at closed sessions; clerk; minute book

54957.6 Closed session, representatives to employee organization(s); state conciliator

LABOR CODE

1102.5 Employees: disclosure of information

FEDERAL FAMILY EDUCATION RIGHTS AND PRIVACY ACT of 1974 (20 U.S.C.

1232(g))

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

CHILDREN OF EMPLOYEES ON CAMPUS

Because of an overriding concern for the safety of children and justifiable concerns for District liability exposure, the Governing Board prohibits District employees from having their children on the job with them. If an employee's child is also a District student, this prohibition pertains to the time before or after students are otherwise permitted to be on campus.

(cf. 3514 - Environmental Safety)

(cf. 5142 - Safety)

(cf. 3530 - Insurance Management)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYEES WITH INFECTIOUS DISEASE

The Governing Board 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. No employee who is otherwise qualified to work may be discriminated against because of his/her disability.

The Board will reasonably accommodate the needs of such individuals. The Board may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or whose illness endangers his/her health or safety or the health or safety of others.

(cf. 4161.1/4361.1 - Personal Illness and Injury Leave)

(cf. 4261.1 - Personal Illness and Injury Leave)

Confidentiality

The Superintendent shall ensure that all of the employee's 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

199.20-199.27 Mandated blood testing and confidentiality to protect public health

CODE OF REGULATIONS, TITLE 2, 7293.5 et seq.

REHABILITATION ACT OF 1983, 29 U.S.C. 701 et seq.

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. 12101 et seq.

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

Policy

adopted: July 5, 1990

revised: December 3, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

INFECTIOUS DISEASE EDUCATION

The Governing Board is committed to maintaining a safe, healthful environment for all employees. The Superintendent or designee shall provide District staff with information responding to concerns about workplace safety and explaining the ways by which various infectious diseases are known to be transmitted.

(cf. 5141.23 - Precautions in handling and cleaning up blood and body fluids)

In keeping with the Health and Safety Code, the District shall distribute to its employees information about AIDS, AIDS-related conditions, and Hepatitis B as such information is compiled and updated by the State Department of Education. This information shall include methods of preventing exposure to AIDS and Hepatitis B, including information about the availability of a vaccine to prevent contraction of Hepatitis B. Employees shall be informed as to whether the cost of vaccination is covered by their health plan. (Health and Safety Codes 199.81 - 199.82)

Legal Reference:

HEALTH AND SAFETY CODE

199.81 Providing information to school districts on AIDS, AIDS-related conditions and hepatitis B

199.82 Information to employees of school district

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Certificated/Classified Personnel

TEMPORARY/SUBSTITUTE PERSONNEL

Substitutes employed for short periods of time in the absence of regular teachers shall be fully qualified and shall teach in the capacity designated in their teaching credentials.

Suitable programs for training, assigning, orienting and evaluating the work of substitute teachers shall be provided by the certificated staff under the Superintendent or designee's direction.

The governing board shall adopt and make public the rates of compensation for substitute certificated staff. (Education Codes 44979 and 45030)

Substitute teachers shall not participate in the health and welfare benefits or other fringe benefits of the district.

Within the limits prescribed by law, retired teachers may be employed as substitutes without jeopardizing their retirement salary.

Substitute Teacher Pool-Certificated

The superintendent or designee shall develop a pool of qualified substitute teachers. The superintendent or designee shall provide public notice of the basic skills proficiency test requirements and the dates and locations of test administration. Individuals known to be qualified as substitutes in other respects shall be encouraged to take the state basic skills proficiency test at its earliest administration. (Education Codes 44830)

Sick Leave for Temporary and Substitute Personnel- Certificated/Classified

Pursuant to Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522, effective July 1, 2015, any temporary or substitute employee who works for 30 or more days within a year, from the beginning of employment, is entitled to paid sick leave. Paid sick leave accrues at the rate of one hour per every 30 hours worked, paid at the employee's regular wage rate. Accrual shall begin on the first day of employment. Total accrual of paid sick leave shall not exceed 48 hours or 6 days per a calendar year.

An employee may use accrued paid sick days beginning on the 90th day of employment. The employee may use a maximum of 24 hours or 3 days of accrued sick leave in each year of

Certificated/Classified Personnel**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

employment. In order to use accrued sick day, the employee must already be scheduled for work or have been called to work at time of use. An employee may determine how much paid sick leave he or she needs to use; however, the employee is required to use paid sick leave with a minimum increment of two hours per use. If accrued sick days are not used in current year, a maximum of 48 hours of accrued sick leave shall be carried over.

If an employee is terminated, resigns, retires, or there is other separation from employment, the district is not required to provide compensation for accrued, unused paid sick days. If an employee separates from the district and is rehired within one year from the date of separation, previously accrued and unused paid sick days shall be reinstated. The employee shall be entitled to use those previously accrued and unused paid sick days and to accrue additional paid sick days upon rehiring.

According to Labor Code 246.5, a temporary or substitute employee may use accrued sick leave for absences due to:

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking.

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against any employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep of records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249.

Legal Reference:

EDUCATION CODE

44252.5 State basic skills assessment required for certificated personnel

44300 Emergency teaching or specialist permits

Certificated/Classified Personnel

TEMPORARY/SUBSTITUTE PERSONNEL (continued)

- 44830 Employment of certificated persons; requirements of proficiency in basic skills
- 44839.5 Employment of retirant
- 44914 Substitute and temporary employment in computation for classification and current employee
- 44916 Time of classification; statement of employment status
- 44917 Classification of substitute employees
- 44918 Substitute or temporary employee deemed probationary employee; reemployment rights
- 44920 Employment of certain temporary employees; classifications
- 44953 Dismissal of substitute employees
- 44954 Release of temporary employee
- 44956, 44957 Rights of Laid-off teachers to substitute positions
- 45030 Substitutes
- 45041 Computation of salary
- 45042 Alternative method of computation for less than one school year
- 44043 Compensation for employment beginning in the second semester of a school year
- CODE OF REGULATIONS, TITLE 5**
- 5502 Filing of notice physical examination for employment of retired person
- 5503 Physical examination for employment of retired persons

Policy

Adopted: July 5, 1990

Adopted: July 5, 1990

Revised: January 6, 1994

Revised: April 18, 2013

Revised: June 25, 2015

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

STUDENT TEACHERS/INTERNSHIPS

The Superintendent or designee may enter into agreements with accredited colleges and universities for the use of student teachers/interns. Such use shall support the instructional needs of the district and may enable future teachers to fulfill state requirement, learn how to teach, and receive valuable feedback which can enhance their competence.

The principal and staff shall assist student teachers to obtain a rounded picture of school life and to learn about the typical responsibilities of a teacher, including classroom and nonclassroom duties.

(cf. CTA Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

44320 Professional preparation; student teaching education courses

44321 Student internship courses

44450-44467 Teacher Education Internship Act of 1967

Policy

adopted: July 5, 1990

revised: January 17, 1991

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

TEMPORARY ATHLETIC TEAM COACHES

The Superintendent or designee shall maintain procedures to ensure that all staff coaching or supervising district athletic teams have received appropriate training and are competent in the care and prevention of athletic injuries, basic sports injury first aid, emergency procedures, coaching techniques and the rules and regulations of the athletic activity being coached; and that they are knowledgeable in child or adolescent psychology, as appropriate to the grade level of the involved activity. (Code of Regulations 5593)

The Superintendent or designee shall specify criteria, in accordance with state regulations, for determining competencies in these areas. The Superintendent or designee may waive specific competency requirements for persons who enroll in appropriate training programs or courses leading to acquisition of the competency. All such persons shall serve under the direct supervision of a fully qualified temporary athletic team coach until the required competencies are met.

The Governing Board authorizes the use of noncertificated temporary athletic team coaches when an annual search among the district's certificated employees fails to identify qualified persons able to fulfill the district's coaching needs. (Code of Regulations 5592) The hiring of noncertificated coaches shall be subject to Board approval and based upon the recommendation of the Superintendent or designee.

Prior to employment, all noncertificated coaches shall be subject to a criminal records check and shall receive the appropriate medical clearances from a licensed physician as required by state regulations. The Superintendent or designee shall certify to the Board upon selection of a noncertificated coach that all qualification requirements for employment have been or will be met.

The Board shall annually certify to the State Board of Education that the district conforms with state requirements governing the employment of temporary athletic team coaches. (Education Code 35179.5)

All coaches shall be expected to adhere to the code of ethical conduct adopted by the State Board of Education. (Education Code 35179.7)

Legal Reference:

EDUCATION CODE

35179.5 Supervision of athletic activities

35179.7 Interscholastic athletic program and activities

44919 Classification of temporary employees

Personnel

TEMPORARY ATHLETIC TEAM COACHES (continued)

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of Temporary Athletic Team Coaches

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
, Westminster, California

Personnel**STAFF DEVELOPMENT**

The Governing Board recognizes that professional growth is the responsibility of each employee, but opportunity for and encouragement of such growth is the responsibility of the district.

Research and experience demonstrate that efforts to improve the quality of service to all students requires a strong staff development program. The Board recognizes this need to broaden and expand the skills of everyone working in the district and therefore establishes a formal staff development program.

The Superintendent or designee shall coordinate, develop and submit recommendations that will provide for effective staff development.

(cf. 4116 - Probationary/Permanent Status)

(cf. 4133 - Travel; Reimbursement)

Legal References:

EDUCATION CODE

44032 Travel expense payment

44259.5 Standards for preparation for all students

44277 Requirements for maintaining valid credentials; professional growth program

44560 Inservice preparation in ethnic backgrounds

44570-44578 Inservice training - personnel, secondary education

44580-44591 Inservice training - personnel, elementary teachers

44630-44643 Professional Development and Program Improvement Act of 1968

44681-44689 Administrator training and evaluation

44700-44705 Classroom teacher instructional improvement program

52800-52904 School-Based Program Coordination Act, especially

52854 Time during regular school year to advise students or conduct staff development programs

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

PUBLICATION OR CREATION OF MATERIALS

The Governing Board recognizes that district employees may create copyrightable materials at work, at home, or both at work and 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. (Education Code 60076, 17 United States Code 201)

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 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. (Education Code 35170)

The Board 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. (Education Code 35182)

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

FEDERAL COPYRIGHT LAW

17 U.S.C., 201 and 201(a)

Policy
adopted: January 17, 1991

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

SOLICITING AND SELLING

Employees shall not solicit district students or their families with the intent to sell general merchandise, books, equipment or services.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 4137 - Tutoring)

Staff shall not distribute promotional, political, or other noninstructional materials unless approved by the Superintendent or designee.

(cf. 1325 - Advertising and Promotion)

Staff members shall not use their status as district employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Any classroom activity requiring students to bring money to school for any purpose must have the principal's approval.

Legal Reference:
EDUCATION CODE
51520 Prohibited solicitations on school premises

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

TUTORING

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

A teacher may not accept any kind of remuneration for tutoring any student enrolled in his/her class.

Teachers who accept outside tutoring engagements make their own arrangements with the parents/guardians for the fees to be assessed. No tutoring for which a teacher receives a fee will be carried on in a school building.

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

AGREEMENT

Each agreement entered into by the Governing Board with a duly recognized exclusive representative shall constitute a commitment by the Board to the provisions of the agreement for its duration. Amendments to the agreement shall be duly executed in writing by both parties.

An executed copy of each written agreement between the Board and exclusive representative shall be filed with the Public Employment Relations Board within 60 calendar days after execution of each such agreement.

The provisions of the employee agreement shall be binding on the Board and on all employees covered by the agreement. Policies or regulations of the Board which conflict with provisions of the negotiated employee agreement shall not be binding on those employees who are covered by the terms of such agreement.

Legal Reference:

EDUCATION CODE

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 35160.2 "School district" defined
- 35160.5 District policies
- 35161 Powers and duties generally

GOVERNMENT CODE

- 3543.2 Scope of representation
- 3549 Construction

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

CONCERTED ACTION/WORK STOPPAGE

The Governing Board believes that strikes, walkouts or other strategies involving the withholding of services by district employees are clearly harmful to the public interest, because they are intended to achieve material gains for employees by depriving students of the education to which they are entitled.

The teaching staff is requested not to permit any discussion with students regarding a work stoppage to interfere with carrying out their regular teaching responsibilities. Questions raised by students regarding any potential work stoppage shall be dealt with in accordance with the district's controversial issue policy.

(cf. 6144 - Controversial Issues)

Students shall not carry any messages to parents/guardians that promote the position or carry an explanation of any employee organization that is engaged in or contemplating a work stoppage.

To serve the interests of student and the public, the Board intends to keep the schools open during any work stoppage as long as the safety and welfare of the students and the security of district property can be maintained.

The Superintendent or designee shall develop a plan for the safe operation of the district's schools in the event of a work stoppage and shall review and update this plan as necessary.

The Superintendent or designee may take whatever emergency steps are deemed necessary for the safety of students, reporting staff, and district property in the event of a strike, walk out, a coordinated, mass use of sick leave, or other concentrated refusal by staff to perform their assigned duties and services. Such steps shall be reported to the Board as soon as administratively possible.

(cf. CTA Collective Bargaining Agreement)

(cf. CSEA Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

35204 Contract with attorney in private practice

35205 Contract for legal services

GOVERNMENT CODE

3540-3549.3 Meeting and negotiating in public educational employment

Policy

adopted: July 5, 1990

revised: January 17, 1991

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

PUBLIC NOTICE - PERSONNEL NEGOTIATIONS

Meeting and negotiating on matters within the scope of representation shall take place in compliance with the public notice requirements contained in the Government Code.

The process whereby exclusive representative organizations and the district shall disclose their proposals in order for negotiations to begin shall occur in the following four steps:

1. The exclusive representative shall present its initial proposal to the Board at an open Board meeting. (Board meeting No. 1 - A regular Board meeting)
2. A public hearing shall be held on the exclusive representative's initial proposal at an open Board meeting following Step 1. (Board meeting No. 2 - A regular Board meeting)
3. Seven days prior to Board meeting No. 3, the district shall publicly post its initial proposal. The posting shall occur in such a way that interested public would have time for review prior to Board meeting No. 3.
4. A public hearing shall be held on the district's initial proposal. After the public hearing, the Board shall adopt its proposal. (Board meeting No. 3 - A regular Board meeting)

Immediately following Board meeting No. 3, the two parties may commence negotiations.

If a new proposal is presented by either party after negotiations begin, the Board shall make available to the public printed copies of the new proposal within 24 hours after the proposal was presented.

Legal Reference:

GOVERNMENT CODE

3547 Proposals relating to representation; informing public, adoption of proposals; new subjects; regulations

CODE OF REGULATIONS, TITLE 8

32900 EERA and HEERA Public Notice: requirements for governing boards to adopt policy

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

GRIEVANCES/COMPLAINTS

The Governing Board recognizes that provisions for dealing with grievances are an essential part of good personnel administration.

The Superintendent or designee shall establish procedures for dealing promptly and equitably with complaints which are not subject to grievance procedures. Such procedures shall be established for individuals to appeal their problems to the Board if redress is not obtained through established channels.

(cf. CTA Negotiated Agreement)

(cf. CSEA Negotiated Agreement)

(cf. Rules and Regulations of Classified Service)

Legal Reference:

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

INSURANCE/HEALTH & WELFARE BENEFITS

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

The district shall insure all employees for indemnity and job-related liability. (Education Code 35208)

(cf. 3530 - Insurance Management)

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

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

(cf. CTA Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

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

7000-7005 Health and welfare benefits, retired certificated employees

7008 Employees disabled by violent act in scope of employment

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of personal property

35214 Liability insurance (self-insurance)

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

44986 Leave of absence for disability allowance applicant

45136 Benefits for classified

GOVERNMENT CODE

22754 Definitions

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

22859 Participation in medicare reimbursement program

53200-53210 Group insurance, especially

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

Personnel

INSURANCE/HEALTH & WELFARE BENEFITS (continued)

UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

CONSOLIDATED OMNIBUS RECONCILIATION ACT

Public Law 99-272

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

RECOGNITION BY AND AWARDS FROM THE GOVERNING BOARD

The Governing Board encourages recognition of meritorious service performed by employees of the district who:

1. Propose ideas or procedures which eliminate or reduce district expenditures or improve the efficiency of district operations.
2. Perform special acts or services in the public interest.
3. By superior accomplishments, make exceptional contributions to the effectiveness, efficiency, economy, or improvement of district operations.
4. By exemplary service over an extended period of time have contributed to the improvement of effectiveness of the district educational program.

The Superintendent or designee shall establish regulations governing Board recognition of or monetary awards for district employees.

Legal Reference:
EDUCATION CODE
44015 Awards to Employees

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYEE PROPERTY REIMBURSEMENT

Students, employees and PTA organizations shall, in proper cases, be reimbursed for the repair and/or replacement of personal property which is damaged or taken as a result of a reported act of vandalism, fire, theft or other natural causes without fault of the student, employee or organization. This reimbursement shall be limited by the following criteria:

1. This policy is not intended to cover each individual item, labor or aesthetic value.
2. This policy will apply to items or sets of items which have an individual value of \$25 or more.
3. A \$50 deductible clause will be applied to each loss.
4. The damage or loss must occur while the item of property is actually housed in a district facility excluding such areas as vehicles and outside lockers (i.e., entry must be made into a building or room where the property was located).
5. The property shall have been properly recorded in the 3 x 5 property card file to be maintained at the main office of each district facility.
6. The property must be in the district facility for the purpose of use in the educational process or in the performance of the students' or employees' studies or duties.

The 3 x 5 property card file which is to be maintained in the district facility's main office will contain the following information regarding property valued in excess of \$25 which is to be housed in a facility for a period exceeding the current school day:

1. The name of the item.
2. The manufacturer or publisher.
3. The serial number of the item, if applicable.
4. The identifying characteristics: color, size, initials, etc.
5. The approximate value of the item.
6. The approximate age of the item, if known.
7. The approximate length of stay.

Personnel

EMPLOYEE PROPERTY REIMBURSEMENT (continued)

The determination whether an item is to be in a facility for the purpose of use in the educational process will be the responsibility of the principal at a school site or the Assistant Superintendent, Business Services, in the case of other district facilities such as the administration buildings.

This determination is subject to appeal to the Superintendent's Cabinet and, ultimately, then to the Governing Board.

The determination of the Board will be final in all cases, and no other avenues of appeal will be available.

Any money received in reimbursement from the person or persons responsible as individuals or through an insurance carrier will be deposited in the district funds.

However, should the \$50 deductible be also recovered, that shall be paid to the individual suffering the loss.

In the event of loss, substantiating documents must be presented to the insurance broker to establish depreciated value.

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss, destruction or damage of personal property

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYEE SAFETY

The Governing Board believes that safety is every employee's responsibility. The Board expects all employees to use safe work practices and to report and correct any unsafe conditions which may occur.

Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations. The Superintendent or designee shall establish an injury prevention program in accordance with law. The program shall include training in safe and healthy work practices for all employees. (Labor Code 6401.7)

(cf. 1250 - Visits to the Schools)

(cf. 3514 - Safety)

(cf. 4119.4 - Infectious Disease)

(cf. 4158/4258/4358 - Employee Protection/Personal Security)

(cf. CTA Collective Bargaining Agreement)

(cf. CSEA Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

32000-32052 Safety: public and private institutions

32200-32224 Safety: public institutions

LABOR CODE

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6401.7 Injury prevention programs

Policy

adopted: July 5, 1990

revised: January 17, 1991

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

EMPLOYEE SECURITY

The Governing Board 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.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.4 - Campus Disturbances)

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.

Legal Reference:

EDUCATION CODE

- 482011 Transfer of student records
- 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
- 48900 Grounds for suspension or expulsion
- 48900.2 Suspension for sexual harassment
- 48900.3 Suspension for hate violence
- 48900.4 Suspension for harassment
- 48900.7 Suspension for terroristic threats
- 48902 Notification of law enforcement authorities if student violates assault or controlled substance provision
- 48904 Parental liability
- 48905 Injury or damage to person or property of school district employee; request for legal action
- 49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
- 49330 Definition of injurious object
- 49331 Removal of injurious object from possession of pupil by designated employee

Personnel

EMPLOYEE SECURITY (continued)

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

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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

Policy
adopted: February 15, 1996

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

FAMILY CARE LEAVE

In accordance with law, the Governing Board shall grant family care leave to eligible employees, without discrimination. Employees who are granted such leave shall be employed in the same or a comparable position upon returning from family care leave.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice by employers

12945.2 Family care leave; definitions; conditions

19702.3 Family care leave; exercise of rights

CODE OF REGULATIONS, TITLE 2

7297.-7297.9 Family care leave

UNITED STATES CODE, TITLE 29

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

Policy

adopted: December 3, 1992

revised: January 6, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

CLASSIFIED PERSONNEL

The primary role of classified personnel is to support and enhance the efforts of certificated personnel to achieve the purposes and goals of the schools adopted by the Governing Board.

(cf. 0200 - Goals for the School District)

(cf. CTA Collective Bargaining Agreement)

(cf. Rules and Regulations of the Classified Service)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

PERSONNEL COMMISSION

Effective July 1, 1965, the Merit System of Employment became operative for classified employees pursuant to provisions of the Education Code.

District policies and regulations related to classified employees apply only to the extent that they are not in conflict with existing law, the merit system rules or the classified collective bargaining agreement.

The district shall publish and make available to each classified employee a handbook of provisions, policies, rules and regulations adopted by the Personnel Commission. Such provisions incorporated into the handbook shall become a part of the employment conditions for all classified employees.

Administration shall make recommendations for revisions, subject to the approval of the Personnel Commission. The unchanged areas shall continue to be operative and binding upon all classified employees until such time as the Personnel Commission changes or deletes them.

(cf. 4200 - Classified Personnel)

(cf. CSEA Collective Bargaining Agreement)

Legal Reference:

EDUCATION CODE

45220 et seq. Merit system inclusion

45240 et seq. Merit system

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

RESIGNATION

The Superintendent or designee is authorized to accept the written resignation of any employee on behalf of the Governing Board, and the resignation shall become effective immediately upon acceptance by the Superintendent or designee. A resignation presented to and accepted by the Superintendent or designee may not be withdrawn by the employee.

Legal Reference:

EDUCATION CODE

45201 Power of governing board to accept resignation and fix its effective date

44930 Acceptance and date of resignation

CALIFORNIA COURT OF APPEALS, First District, 1980 AMERICAN FEDERATION OF TEACHERS, LOCAL NO. 1050 v. BOARD OF EDUCATION OF PASADENA UNIFIED SCHOOL DISTRICT (see California School Law Digest, Vol. VIII No. 8, August 1980, page 97)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYEE SECURITY

The Governing Board 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.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.4 - Campus Disturbances)

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.

Legal Reference:

EDUCATION CODE

- 482011 Transfer of student records
 - 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
 - 48900 Grounds for suspension or expulsion
 - 48900.2 Suspension for sexual harassment
 - 48900.3 Suspension for hate violence
 - 48900.4 Suspension for harassment
 - 48900.7 Suspension for terroristic threats
 - 48902 Notification of law enforcement authorities if student violates assault or controlled substance provision
 - 48904 Parental liability
 - 48905 Injury or damage to person or property of school district employee; request for legal action
 - 49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion
 - 49330 Definition of injurious object
 - 49331 Removal of injurious object from possession of pupil by designated employee
- CIVIL CODE
- 51.7 Freedom from violence or intimidation

Personnel

EMPLOYEE SECURITY (continued)

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

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WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy

adopted: February 15, 1996

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

VACATIONS/HOLIDAYS

The Superintendent or designee may authorize vacation pay-off at the end of the fiscal year for school year employees who are unable to take all of their accumulated vacation during the school year.

(cf. CSEA Collective Bargaining Agreement)
(cf. Rules and Regulations of the Classified Service)

Legal Reference:

EDUCATION CODE

1318 Declaration of holiday (county superintendent)

37220 School holidays

45190 Leaves of absence and vacations

45197 Annual vacation

45200 Interruption or termination of vacation leave

45203 Paid holidays

45205 Holiday in lieu of specified holiday

45206 Substitute holiday

45206.5 re "Admission Day"

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

MANAGEMENT AND CONFIDENTIAL PERSONNEL

Management positions shall be defined as follows:

1. Management employees are those persons having significant responsibilities for formulating district policies or administering district policies and programs and who have been legally designated as management by the Governing Board.
2. Supervisory employees are those persons having the authority to make recommendations to the Superintendent or designee concerning the employees under their supervision. This authority shall extend to the following areas: hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, discipline, direction, work assignment and discipline.

Confidential employees are those persons having access to or possessing information dealing with employer-employee relations. Confidential employees shall be excluded from membership in an employee bargaining unit.

(cf. 2230 - Representative and Deliberative Groups)

Certificated management employees shall be governed by policies and regulations concerning certificated personnel unless otherwise provided by the Board or law.

Classified management and confidential employees shall be governed by the rules and regulations of the classified service as approved by the Personnel Commission and as adopted by the Board unless otherwise provided by law.

Legal Reference:

EDUCATION CODE

35031 Term of employment

45100.5 Designation of senior management of the classified service

45104.5 Abolishment of senior classified management positions

45108.5 Definitions of senior classified management employees

45108.7 Waiver of provisions of 45108.5

45256.5 Senior management of classified service

GOVERNMENT CODE

3540.1 Definitions, particularly (g) "management employee" and (m) "supervisory employee"

3543.4 Management position; representation

3545 Appropriateness of unit; basis

National Labor Relations Boards vs. Hendricks (1981) U.S.[50 U.S. Law Week 4037]

Policy

adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel**CONTRACTS**

An Assistant Superintendent may be elected for a term of no more than four years. With the employee's consent, the term and contract of employment may be terminated at any time, effective the next July 1st. The employee may be reelected or reemployed on conditions mutually agreed upon by the Governing Board and the employee for a new term to commence on the existing term's effective date of termination. (Education Code 35031)

An Assistant Superintendent who is not going to be reelected or reemployed upon the expiration of his/her term shall be given advance notice in accordance with his/her contract. Such notice shall be no less than 45 days. If reelection or reemployment is not acted upon and the written notice above has not been given, the employee shall be deemed reelected for a term of the same length as the one completed and with the same conditions and compensation. (Education Code 35031)

(cf. 2121 - Superintendent of Schools: Contract)

Pursuant to law, 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

GOVERNMENT CODE

53260-53264 Employment contracts

Policy

adopted: July 5, 1990

revised: January 6, 1994

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Administrative and Supervisory Personnel

DEMOTION/REASSIGNMENT

The Governing Board may authorize the, demotion, reclassification or reassignment of any administrative or supervisory employee upon the recommendation of the Superintendent or designee and when such action is determined to be in the best interest of the district.

The Superintendent or designee shall ensure that the District complies with all applicable statutory deadlines and due process procedures, as well as current Personnel Commission Rules and Regulations, where applicable, when an employee is to be demoted or reassigned.

Legal Reference:

EDUCATION CODE

- 35031 Senior management employee in the classified service: nonreelection
- 44660-44665 Evaluation and assessment of performance of certificated employees
- 44850.1 No tenure in administrative or supervisory positions
- 44896 Transfer of administrator or supervisor to teaching position
- 44897 Classification of administrator or supervisor to a teaching position
- 44951 Continuation in position unless notified
- 45101 Definitions (including disciplinary action, cause)
- 52055.5 Meeting or exceeding growth requirements
- 52055.57 Districts identified or at risk of identification for program improvement

UNITED STATES CODE, TITLE 20

- 6316 School and district improvement

COURT DECISIONS

- Jefferson v. Compton Unified School District, (1993) 14 Cal. App. 4th 32
- Schultz v. Regents of the University of California, (1984) 160 Cal. App. 3d 768
- Ellerbroek v. Saddleback Valley Unified School District, (1981) 125 Cal. App 3d 348
- Skelly v. California Personnel Board, (1975) 15 Cal.3d 194
- Hentschke v. Sink, (1973) 34 Cal. App. 3d 19

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Policy

adopted: July 5, 1990

revised: February 15, 1996

revised: January 21, 2016

Personnel

TRANSFER/REASSIGNMENT

The Superintendent or designee shall assess the needs of the district and to assign management personnel to positions which will meet those needs.

Voluntary Change of Assignment

In order to promote administrative professional growth and career development, broaden management background, and share administrative and personnel skills within the district, the Governing Board encourages management personnel at all levels to apply for transfers and reassignments.

If an employee-initiated transfer request is denied, written notification and explanation shall be given to the employee if requested.

Involuntary Reassignment of Certificated Management

Involuntary reassignment within the administrator's classification (same job title) shall be initiated upon the recommendation of the Superintendent or designee in the best interests of the district.

A school site administrator may be considered for periodic transfer. On a yearly basis, the Board shall review a principal's assignment record and shall consider reassignment the following year, based upon one or more of the following needs:

1. To fill an opening.
2. To solve a problem.
3. Per the principal's request.
4. Other reason determined appropriate by the Board.

An assessment of the individual's abilities, strengths, and training shall be part of the transfer process. Principals being considered for transfer shall be given an opportunity to provide direct input to the Board regarding the transfer.

A meeting between the individual concerned and the immediate supervisor and/or the Superintendent or designee shall be held prior to transfer. Written notification of the reasons for the proposed transfer shall be made available upon request.

Personnel

TRANSFER/REASSIGNMENT (continued)

District-initiated transfer requests should be made to a position in the employee's area of specialization, considering qualifications and experience.

Management positions should be assigned for the ensuing year prior to June 1st.

Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent

44951 Release and reassignment of management employees

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

45101(e) Definition of "disciplinary action"

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EVALUATION/SUPERVISION

Certificated Management

A full and impartial evaluation of professional performance with constructive counseling should be implemented on a regular and continuing basis to upgrade performance.

The evaluation and assessment of the competency of administrative personnel shall be based on:

1. Performance of major duties and responsibilities.
2. Performance in the achievement of individually established objectives.
3. Application of problem-solving and decision-making skills.
4. Application of leadership, planning and organizational skills.
5. Performance in the supervision and evaluation of personnel.
6. Working staff relationships, interpersonal skills.
7. Professional qualities and communication skills.
8. Performance of other duties and responsibilities.

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.

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 (re evaluation procedures)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

COMPETENCE IN EVALUATION OF TEACHERS

Administrators assigned to evaluate teachers must have demonstrated competence in instructional methodologies and evaluation and must be certified by the Board as having met district criteria for competence in evaluation. The Superintendent or designee shall recommend qualified evaluations to the Board.

Competence in evaluation shall be a factor in the evaluation of administrators who are assigned to evaluate teachers.

(cf. 4315 - Evaluation/Supervision)

This policy shall be reviewed annually by the Board.

Legal Reference:

EDUCATION CODE

33039 Guidelines for teacher evaluation procedures

35160.5 District policies for competency of personnel assigned to evaluate

44660-44665 Evaluation and assessment of performance of certificated employees

GOVERNMENT CODE

3543.2 Scope of representation (reevaluation procedures)

Policy

adopted: July 5, 1990

revised: December 3, 1992

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

PERSONNEL REDUCTION

Certificated Management

The Governing Board recognizes that a variety of reasons may indicate that there is a need to reduce the kind and/or number of management staff members. Layoff proceedings shall be undertaken upon the recommendation of the Superintendent or designee and prior consultation with legal counsel.

If there is a need to reduce the number and/or kind of management staff coupled with a need to reduce the overall number of certificated employees of the district, the district shall proceed pursuant to the requirements of Education Code 44955.

If there is a need to reduce the number and/or kind of management staff with intention that those management personnel who would be displaced will be placed in other certificated positions (i.e., there will not be a reduction in the overall number of certificated employees of the district), the district shall proceed pursuant to Education Code 44951.

If a management certificated employee who was assigned to an administrative position prior to July 1, 1983, is reassigned to a classroom teaching position, he/she shall have his/her seniority determined as though he/she had been a teacher during the time spent as a management employee.

For a certificated employee initially employed in an administrative position on or after July 1, 1983, who transfers to a teaching position, the period of employment in the administrative position shall not be included in determining seniority for purposes of employee layoff and employee reemployment after layoff, except for school site administrators who shall earn up to a maximum of three years seniority while serving as site administrators.

Legal Reference:

EDUCATION CODE

44955 Certificated employee layoff

44956 Reemployment rights of laid-off certificated employees

44956.5 Seniority of certificated administrators

45100.5, 45104.5, 45108.5 Senior management of the classified service

45114, 45117, 45298, 45308 Classified employee layoff

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

DUTIES OF PERSONNEL

Written descriptions of the professional duties and responsibilities expected to be fulfilled should be established and available for each management position.

The title should be appropriate to the function of the position. Authority and responsibility of the position should be established.

Management and confidential employees as individuals have the responsibility to act at any time on any subject within respective job descriptions.

The length of the work year in terms of days should be applicable to position descriptions and in concert with the duties and responsibilities.

Personnel

STAFF DEVELOPMENT

The Governing Board supports professional activities of management and confidential personnel designed to improve their professional skills and understandings.

Professional growth shall be established on the basis of the following concepts:

1. All administrators are able to improve their professional effectiveness.
2. Professional people desire to improve their professional effectiveness.
3. The administration is responsible for providing assistance to members of the administrative staff in planning opportunities for professional growth.
4. Programs for professional growth will be most effective when all members of the administrative staff participate in the planning.
5. The Board is responsible for supporting a reasonable program for professional growth of the administrative staff.
6. Administrators need to be involved in both the immediate instructional program and the solving of certain professional problems.

Legal Reference:

EDUCATION CODE

44662 Evaluation and assessment guidelines

44682 Eligibility to participate

44683 Objectives: administrator training and evaluation

44684 Programs to be conducted at specific times

44685 Waivers

44688 Prohibition against supplanting; priorities for funding

44750 et seq. Innovative local experiments to strengthen personnel and management

52000 Improvement of elementary and secondary education (in general)

52022 Time during the school year to advise students or conduct staff development programs

52034(g) Staff development activities reflecting the goals of Chapter 6

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

INSERVICE TRAINING; VISITATIONS; CONFERENCES

Inservice training programs for management and confidential personnel should be provided to improve professional performance and service to the community. Inservice and community involvement should include, but not be limited to, the following:

1. Community organizations/services.
2. Professional associations.
3. Professional growth.
4. Conferences.

The Governing Board encourages the attendance of the Superintendent or designee, the Assistant Superintendents and Directors to a reasonable number of the meetings and conventions of professional organizations with which they are expected to ally themselves as a part of their personal responsibilities for continued professional growth.

The Superintendent or designee shall insure that not all administrators are absent at the same time and that at least one central office administrator is in the district each work day.

(cf. 4331 - Staff Development)

(cf. 4133/4322/4333 - Travel; Reimbursement)

Personnel

SALARY SCHEDULES

The citizens of this community are interested in attracting and maintaining a qualified, competent staff to educate their children. The Governing Board recognizes the importance of an attractive salary schedule and sound salary policies in securing and holding a competent staff.

The Board desires to provide fair and equitable compensation comparable to Orange County elementary school districts whenever possible.

The district salary schedule should reflect professional preparation and/or growth, experiential steps and anniversary increments, whenever applicable.

Legal Reference:

EDUCATION CODE

45032 Power of governing board to increase salaries

45160-45169 Salaries

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

SALARY CHECKS AND DEDUCTIONS

Employees on less than a twelve-month contract may receive daily rate of pay for required duty beyond the required work year when specified by the immediate supervisor with the approval of the Superintendent or designee and Governing Board.

Legal Reference

EDUCATION CODE

44041 Deductions in salary payment as requested by employee

44042 Payroll deduction for collection of insurance premium

45060 Deductions for organization dues

45161 Service fees

45166 Time of payment of compensation

45167 Error in compensation; statement of correction and supplemental payment

45168 Deductions for dues of employee organization

GOVERNMENT CODE

3502.5 Agency shop; vote to rescind agency shop; requirement for financial accounting to the public agency; right of employee not to join or pay dues to exclusive representative for religious reasons

3543.1(d) Right of employee organizations to have dues withheld

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

EMPLOYEE SECURITY

The Governing Board 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.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.4 - Campus Disturbances)

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.

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- 49330 Definition of injurious object
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CIVIL CODE

- 51.7 Freedom from violence or intimidation

Personnel

EMPLOYEE SECURITY (continued)

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees

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WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy

adopted: February 15, 1996

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Personnel

LEAVES

The Governing Board recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to law, Board policies or rules of the Personnel Commission, or administrative regulations as applicable.

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)

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California

Personnel

VACATION/HOLIDAYS

Factors to be considered in the granting of vacation days for 12-month employees are:

1. Formula for the earning of vacation should be applicable to the position and in concert with the duties and responsibilities.
2. Vacation days may be accumulated for up to one-half of the regular vacation allotment to be used the following year.
3. Monetary compensation for unused vacation upon termination, not to exceed accumulated vacation earned in one and one-half years.

Policy
adopted: July 5, 1990

WESTMINSTER SCHOOL DISTRICT
Westminster, California