



SAN MARCOS
UNIFIED SCHOOL DISTRICT
engaging students...inspiring futures

2022-2023 EMPLOYEE HANDBOOK

This manual has been developed as a collective effort of San Marcos Unified School District administrators, staff members, and the Board of Education to provide guidelines for personnel and mandated annual notifications. It should prove to be of assistance to each employee by clarifying the primary objectives and expectations for staff members and establishing ways and means of providing for a quality educational and work environment. This handbook is meant to provide clarification only and does not supersede current California statutes, Education Code, Board Policy or any existing Master Contract. Each employee should become familiar with this document.

This handbook is not intended to be and does not constitute a contract between the District and its employees.

Governing Board: Stacy Carlson Sarah Ahmad Sydney Kerr Carlos Uloa, Ed.D. Jaime Chamberlain
Andrew S. Johnsen, Ed.D., Superintendent

255 Pico Ave, Suite 250, San Marcos, CA 92069
Phone: (760) 752-1299 Fax: (760) 752-1138 www.smusd.org

SMUSD Employee Handbook

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SCHOOL SITE ADDRESSES AND PHONE NUMBERS

Carrillo Elementary
2875 Poinsettia Ln., Carlsbad, CA 92009
760-290-2900

Discovery Elementary
730 Applewilde Dr., San Marcos, CA 92078
760-290-2077

Joli Ann Leichtag Elementary
653 Poinsettia Ave., Vista, CA 92081
760-290-2888

Knob Hill Elementary
1825 Knob Hill Rd., San Marcos, CA 92069
760-290-2080

La Costa Meadows Elementary
6889 El Fuerte St., Carlsbad, CA 92009
760-290-2121

Paloma Elementary
660 Camino Magnifico, San Marcos, CA 92069
760-290-2199

Richland Elementary
910 Borden Rd., San Marcos, CA 92069
760-290-2400

San Elijo Elementary
1615 Schoolhouse Way, San Marcos, CA 92078
760-290-2600

San Marcos Elementary
1 Tiger Way, San Marcos, CA 92069
760-290-2430

Twin Oaks Elementary
1 Cassou Rd., San Marcos, CA 92069
760-290-2588

Double Peak K – 8
111 San Elijo Rd., San Marcos, CA 92078
760-290-2340

La Mirada Academy
3697 La Mirada Dr., San Marcos, CA 92078
760-290-2000

San Elijo Middle
1600 Schoolhouse Way, San Marcos, CA 92078
760-290-2800

San Marcos Middle
650 W. Mission Rd., San Marcos, CA 92069
760-290-2500

Woodland Park Middle
1270 Rock Springs Rd., San Marcos, CA 92069
760-290-2455

Mission Hills High
1 Mission Hills Ct., San Marcos, CA 92069
760-290-2700

San Marcos High
1615 W San Marcos Blvd, San Marcos, CA 92078
760-290-2200

Twin Oaks High
158 Cassou Rd., San Marcos, CA 92069
760-290-2555

Adult Transition Program
442 W. Mission Rd, San Marcos, CA 92069
760-290-2966

San Marcos Adult School
158 Cassou Rd., San Marcos, CA 92069
760-290-2550



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DISTRICT OFFICE DEPARTMENTS AND PHONE NUMBERS

San Marcos Unified School District
255 Pico Ave, Suite 250
San Marcos, CA 92069
760-752-1299

Accounting/ Payroll	760-752-2398
Child Nutrition Services	760-752-1286
Elementary Education	760-752-1256
English Learners Resources Center	760-290-2442
Facilities	760-752-2640
Human Resources and Development	760-752-1245
Educational Services	760-752-1231
Kids on Campus (K.O.C)	760-752-1280
Maintenance & Operations	760-290-2640
Purchasing	760-752-1219
Secondary Education	760-752-1228
Special Education	760-752-1223
Special Programs	760-752-1272
Student Services	760-752-1220
Technology <i>For technical support, please submit a Tech request</i>	760-752-1214
Transportation	760-290-2670

SECTION I – About the District

ABOUT THE DISTRICT

The San Marcos Unified School District is located in San Diego County, thirty miles north of San Diego. Located within the District boundaries are the communities of San Marcos, parts of the cities of Escondido and Carlsbad, as well as an unincorporated area in the southeastern portion of the City of Vista.

The San Marcos Unified School District has a long and interesting history dating back to 1882 when Twin Oaks residents founded San Marcos School District. Around 1889 old Richland School was built and for a time served the entire Richland Valley area. In 1946 the San Marcos School District and Richland School District merged to form Rich-Mar School District.

In 1961 San Marcos High School opened as one of four high schools in the Escondido Union High School District. On July 1, 1976, San Marcos High School joined with the Rich-Mar School District to become San Marcos Unified School District.

The San Marcos Unified School District has eleven elementary schools, one K – 8 school, three middle schools, two high schools, a continuation high school, an independent study high school, and an adult education school. Support facilities include Transportation, Maintenance and Operations, an English Language Learners Resources Center, Technology, and central District Office.

MISSION STATEMENT

The San Marcos Unified School District is an innovative and collaborative community providing an unparalleled educational experience. Through an engaging and supportive environment, all students are challenged, inspired, and poised to excel.

We Believe that

- Every student deserves to learn every day
- Positive relationships and a strong sense of community connect students to learning
- Teachers who challenge and care for students make a significant impact on students' lives
- To attain excellence we can accept the best from every individual in our learning community

We Commit to

- Providing each student with an appropriate and challenging educational experience
- Maintaining a respectful environment that fosters learning through positive relationships among students, adults and our diverse community
- Hiring and retaining only the best educators and investing in their success
- Providing quality education based on high standards, effective practice, continuous improvement, and innovation

GOVERNING BOARD

The Governing Board is composed of five elected members who represent the citizens of San Marcos, Escondido, and Carlsbad who reside in our school District. California Education Code details the powers and duties of the governing board: "The governing board of any school District may execute any powers delegated by law to it or to the District of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the District of which it is the governing board, and may delegate to an officer or employee of the District any of those powers or duties. The governing board, however, retains ultimate responsibility over the performance of those powers or duties so delegated."

SMUSD Board Policies and current governing board members are located on our public website at: <http://www.smusd.org/>

ADMINISTRATIVE STAFF

ASSISTANT SUPERINTENDENT-BUSINESS SERVICES: The Assistant Superintendent-Business Services is responsible for all business operations of the District including:

- Child Nutrition Services
- Purchasing
- Accounting
- Facilities
- Maintenance and Operations
- Transportation
- Risk Management

ASSISTANT SUPERINTENDENT- HUMAN RESOURCES AND DEVELOPMENT: The Assistant Superintendent Human Resources and Development is responsible for the management of all personnel including:

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Hiring
Terminations
Credentials Monitoring
Employment Testing
Substitute Coordination
Employee Health and Welfare
Staff Development
Contract Administration
Employee/Employer Relations

DEPUTY SUPERINTENDENT-EDUCATIONAL SERVICES: The Deputy Superintendent – Educational Services is responsible for a wide variety of instructional and curriculum programs including:

Student Services	Grants and Communications
Special Education	English Acquisition
Elementary Curriculum K-5	Instructional Leadership
Secondary Curriculum 6-12	Special Programs
Technology	Kids on Campus

SUPERINTENDENT: The Superintendent is the chief administrator of the San Marcos Unified School District. The Superintendent is appointed by the Governing Board to administer the District according to board policy and directives.

PRINCIPAL: The Principal is responsible for the organization and administration of the school in accordance with Governing Board directives and policies. This includes implementation of the District instructional program, supervision and evaluation of all personnel assigned to the school, coordination of all services within the school, implementation of the site discipline plan, and maintenance of positive relationships with parents and the community.

HELPFUL LINKS

- Payroll: [Click Here](#) for the site (located at www.smusd.org).
- Human Resources and Development: [Click Here](#)
 - Calendars: [Click Here](#)
 - Paychecks online: [Click Here](#)

Section II – Employee Information

DISTRICT CALENDAR

The San Marcos Unified School District operates on a traditional calendar. All elementary, middle, and high school sites follow this calendar. The calendar can be accessed on the District Website: www.smusd.org

Holidays recognized by the District are:

New Year's Day	Veteran's Day
Lincoln's Day	Thanksgiving Day
President's Day	The Friday following Thanksgiving Day
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Friday of Spring Recess
Juneteenth Day	Martin Luther King Day
Admission Day	

Days of observance of these holidays are included in the annual District calendar.

FIRST DAY OF WORK

Before beginning work, employees must successfully complete:

- a pre-employment physical examination and TB test
- a criminal background check including a fingerprint clearance
- a “new employee orientation” that includes completion of required new hire forms
- Mandated Reporter Training (Child Abuse)

New employees will, at the new employee orientation, also receive information on workers' compensation (handbook and information sheet), District safety (online safety manual), and blood borne pathogens (pamphlet).

New Certificated employees must also provide:

- verification of transcripts for appropriate salary placement
- valid credential(s) authorizing the assignment for which the employee is being employed

Orientation is an important step in getting started on the right foot. Employees will receive information and an opportunity to ask questions. New employees will receive a basic orientation from Human Resources and/or their supervisor.

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This orientation will also include information on:

- site personnel procedures
- job duties and responsibilities
- performance expectations and evaluations procedures
- where to obtain materials and/or equipment
- where to go for assistance
- California Teacher Induction (CTI) and The Essential Elements of Instruction (EEI) Training

DRESS CODE

The San Marcos Unified School District expects employees to project a professional and appropriate image while interacting with students and school stakeholders. Employees should exercise good taste and common sense regarding dress. Given the various work functions of system employees, principals, and department heads have the discretion for providing details and managing the dress of employees under their supervision. In general, clean, professional, business/business casual attire is acceptable and appropriate.

POLICIES & PROCEDURES

The District shall not unlawfully discriminate against or tolerate the harassment of employees or job applicants on the basis of their sex, race, color, religious creed, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, mental condition, Vietnam era veteran status, or actual or perceived sexual orientation.

We are committed to a school environment where staff and students may flourish in a climate of acceptance, free from actions, statements or activities which degrade the unique qualities of every individual.

If you feel you have been harassed, tell a principal, supervisor or contact the Human Resources Department.

Board Policies and Administrative Procedures 0410, 1313.3, 4030, 4119.11 and 4118.4 can be viewed on the District's website (www.smusd.org) and at the District Office,

BOARD POLICIES - There are policies that govern the District. Board Policies are often accompanied by Administrative Procedures, which describe how the District will implement the Board Policy. Board Policies are based on Education Code and other California laws and are reviewed periodically. A copy of the San Marcos Unified School District Board Policy and Administrative Procedures can be found on the District Website: www.smusd.org

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Important Board Policies include, but are not limited to:

- Uniform Complaint Procedures
- Non-Discrimination
- Sexual Harassment
- Drug and Alcohol Free Work Place
- Child Abuse Responsibilities
- Tobacco Free Schools
- Family Care and Medical Leave
- Lactation Accommodation

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

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The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

COMPLAINTS SUBJECT TO THE UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school.(Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8207-8225)
23. State preschool health and safety issues in license-exempt programs (Education Code 8212)
24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

NON-UCP COMPLAINTS

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, and the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 – Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with law regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE, (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture. (5 CCR 11582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32221.5 Insurance for athletic team members
32280-32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52059.5 Statewide system of support
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education
52500-52616.24 Adult students
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
4900-4965 Nondiscrimination in elementary and secondary education programs
15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

11431-11435 McKinney-Vento Homeless Assistance Act

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin

WEB SITES

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

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

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

U.S. Department of Justice: <http://www.justice.gov>

Adoption History:

Initial Adoption:	08/24/92		
Reviewed/Revised:	08/23/93	03/10/03	02/19/19
	09/13/93	01/10/05	08/20/19
	12/11/95	08/25/08	02/16/21
	01/08/96	11/13/12	03/01/22
	11/17/97	07/15/14	
	02/23/99	12/13/16	
	04/22/02	02/21/17	

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

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ADMINISTRATIVE DESIGNEE

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

COMPLIANCE OFFICERS

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

Deputy Superintendent - Educational Services
255 Pico Ave., Suite 250
San Marcos, CA 92069
(760) 752-1231
tiffany.campbell@smusd.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

NOTIFICATIONS

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

FILING OF COMPLAINT

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying} may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination, harassment, intimidation, or bullying occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

INVESTIGATION OF COMPLAINT

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

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

The notice shall include:

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

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complaint's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

TIMELINE FOR INVESTIGATION REPORT

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

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

INVESTIGATION REPORT

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

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees

complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (ELP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

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

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including , but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

CORRECTIVE ACTIONS

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

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

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of the notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

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

HEALTH AND SAFETY COMPLAINTS IN LICENSE-EXEMPT PRESCHOOL PROGRAMS

Any complaint regarding health and safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool

SAN MARCOS UNIFIED SCHOOL DISTRICT
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EXHIBIT 1

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:

PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

Initial Review:	08/24/92		
Reviewed/Revised:	12/13/93	01/10/05	02/16/21
	12/11/95	08/25/08	07/20/21
	11/17/97	11/13/12	03/01/22
	02/23/99	07/15/14	
	03/30/99	12/13/16	
	04/22/02	02/19/19	
	03/10/03	08/20/19	

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EXHIBIT 1

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5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

EXHIBIT 2

PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: ___ Evening: ___

Email address, if any: ___

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

The preschool does not have outdoor shade that is safe and in good repair.

Drinking water is not accessible and/or readily available throughout the day.

The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

Restroom facilities are not available only for preschoolers and kindergartners.

The preschool program does not provide visual supervision of children at all times.

Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
NON-DISCRIMINATION

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The Governing Board is determined to provide District employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. The Board prohibits District employees from discriminating against or harassing any other District employees or job applicants on the basis of actual or perceived race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

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

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

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment.
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training.
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status.
 - b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the District's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
 - c. Disability discrimination based on a District requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of job-related need or business necessity.
 - d. Disability discrimination based on the District's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodation for a known physical or mental disability or medical condition.

The Board also prohibits retaliation against any District employee or job applicant who opposes any discriminatory employment practice by the District or its employee, agent, or representative or who complains, testifies, assists, or in any way participates in the District's complaint procedures pursuant to this policy. No employee or job applicant who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated District coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The District shall protect any employee who does report such incidents from retaliation.

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

In addition, the Superintendent or designee shall post, in a conspicuous place on District premises, the California Department of Fair Employment and Housing Publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any District employee 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.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

2000e-2000e-17 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

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
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

Adoption History: 2/8/88
Review of Revision: 8/23/93
Adopted: 9/13/93
Reviewed: 2/24/97
Revision Adopted: 2/26/01
Reviewed: 8/26/02
Reviewed: 4/11/05
10/16/06
Revised: 9/7/10
Revised: 8/18/15
Revised: 11/15/16
Revised: 7/18/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
NON-DISCRIMINATION

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

Assistant Superintendent
Human Resources and Development
255 Pico Avenue, Suite 250
San Marcos, CA 92069
(760) 752-1242

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation against District employees, volunteers, interns, and job applicants, the Superintendent or designee shall implement the following measures:

1. Publicize the District's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, to employees, volunteers, interns, and job applicants, and the general public by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment.
 - b. Posting them in all District schools and offices, including staff lounges and other prominent locations.
 - c. Posting them on the District's website and providing easy access to them through District-supported social media when available.
2. Disseminate the District's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment from for each employee to sign and return.
 - b. Sending the policy via email with an acknowledgement return form.
 - c. Posting the policy on the District intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies.
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session.
 - e. Any other way that ensures employees receive and understand the policy.
3. Provide to employees a handbook that contains information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been a victim of any discriminatory or harassing behavior.
4. Provide training to employees, volunteers, and interns regarding the District's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom to a report of an incident should be made.
5. Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023).
6. Periodically review the District's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure District compliance with law.

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant who is an employee shall inform his/her supervisor. However, if the supervisor is the person against whom the employee is complaining, the employee shall inform the coordinator of the Superintendent. A job applicant shall inform the coordinator or the Superintendent or designee.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the District's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, that some information may be revealed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, District legal counsel, or the District's risk manager.

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

3. **Written Report on Findings and Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include the corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

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

Other Remedies

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

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12690.
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s). (42 USC 200e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier. (42 USC 2000e-5)

Adoption History:

Initial Adoption: 12/13/93

Reviewed: 1/25/99

Reviewed: 2/26/01

Reviewed: 8/26/02

Reviewed: 4/11/05

10/16/06

9/07/10

8/18/15

Revised: 11/15/16

Revised 7/18/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

PHILOSOPHY, GOALS, OBJECTIVES, AND COMPREHENSIVE PLANS
NON-DISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

0410
Page 1 of 2

The Governing Board is committed to equal opportunity for all individuals in education and in employment. District programs and activities shall be free from discrimination based on gender, gender identity or expression, genetic information, race, color, religion, ancestry, national origin, ethnic group identification, age, marital or parental status, physical, mental or emotional disability, sex, sexual orientation, or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The Governing Board shall promote programs which ensure that discriminatory practices are eliminated in all District activities.

Annually, the Superintendent or designee shall review district programs and activities to ensure that removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. They shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report their findings and recommendations to the Board after each review.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organization(s), applicants for admission and employment, and sources of referral for applicants about the District's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, handbook, application form, or other materials distributed to these groups.

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the District provides auxiliary aids and services where necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity, unless providing such aids and services fundamentally alters the nature of the function, program or meeting, or would be an undue burden.

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

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

To the extent possible, the District's nondiscrimination policy and related informational materials shall be published in the individual's primary language. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

Legal Reference:

Education Code

200-262 Prohibition of discrimination
48985 Notices to parent in language than English
51007 Legislative intent: state policy

Government Code

11000 Definitions
11135 Nondiscrimination in programs or activities funded by state
11138 Rules and regulations
12900-12996 Fair Employment and Housing Act
54953.2 Brown Act compliance with American with Disabilities Act

United States Code Title 20

1400-1491 Individuals with Disabilities in Education Act
1681-1688 Discrimination based on sex or blindness Title IX
2301-2471 Carl D. Perkins Vocational and Applied Technology Act

United States Code Title 29

794 Section 504 of the Rehabilitation Act of 1973

Adoption:

Initial Review: 8/23/93
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Revised: 1/25/99
Review: 1/16/01
3/08/04
6/16/08
Revised: 8/18/15

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL	4119.11
SEXUAL HARASSMENT	Page 1 of 3

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

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

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

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

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

Sexual Harassment Reports and Complaints

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

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AP 4119.12, Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AP 4030, Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

Upon investigation of a sexual harassment complaint, any District employee found to have engaged or participated in the sexual harassment or to have aided, abetted, incited, compelled, or coerced another

to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

12940 12950 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS TITLE 5

4900- 4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681- 1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

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

106.51-106.82 Nondiscrimination of the basis of sex in employment in education programs of activities

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

U.S. EQUAL EMPLOYEMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

ALL PERSONNEL
SEXUAL HARASSMENT

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WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov> Equal
Employment Opportunity Commission: <https://www.eeoc.gov>

U.S. Department of Education, Office for [https://
www.ed.gov/about/offices/list/ocr/index.html](https://www.ed.gov/about/offices/list/ocr/index.html)

Civil Rights:

Adoption History: 5/10/93
Reviewed 8/23/93
Adopted: 9/13/93
Reviewed: 1/25/99
Reviewed: 8/27/01
Reviewed: 4/22/02
Revised: 9/12/05
Revised: 1/12/09
Revised: 4/14/14
Revised: 11/15/16
Revised 7/18/17
Revised: 11/17/20

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
SEXUAL HARASSMENT

4119.11
Page 1 of 3

The following administrative procedure shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Title IX Coordinator

The District designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under Administrative Procedure 4030 – Nondiscrimination in Employment. The Title IX Coordinators(s) may be contacted at:

Assistant Superintendent
Human Resources and Development
255 Pico Avenue, Suite 250, San Marcos, CA 92069
760-752-1242

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

Prohibited Conduct

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or education setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made expressly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment.
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the District.

Examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:

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

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position, shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the District, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926).

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

The District's sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment.
2. The types of conduct that constitute sexual harassment.
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability.
4. Strategies to prevent harassment in the workplace.
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware.
6. Practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources.
7. The limited confidentiality of the complaint process.
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment.
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the District's obligation to conduct an effective workplace investigation of a harassment complaint.
10. What to do if the supervisor is personally accused of harassment.
11. The essential elements of the District's anti-harassment policy, and how to use the policy if a harassment complaint is filed.

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

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

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11023)

Notifications

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

A copy of the Board policy and this administrative regulation shall: Education Code 231.5)

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

All employees shall receive either a copy of an information sheets-prepared by the California Department of Fair Employment and Housing (DFEH) or the District that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The District's complaint process available to the employee.
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and the EEOC.
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

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

Adoption History:

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Reviewed: 12/13/93
Reviewed: 10/27/97
Reviewed: 1/25/99
Reviewed: 8/27/01
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Revised: 11/17/20

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL

4020

DRUG AND ALCOHOL-FREE WORKPLACE

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

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 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 stature conviction which employee 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 statures.

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 occurring in the workplace.
3. Notify the appropriate federal granting or contracting agencies within ten (10) days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within thirty (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.

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 and complete 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.

Legal Reference:

The Drug-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

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

Government Code:

8350-8357 Drug-Free Workplace

Adoption History: 7/7/89

Review of Revision: 8/23/93

Adopted: 9/13/93

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Reviewed: 4/11/05

9/08/06

8/23/10

Revised: 8/18/15

Revised: 11/14/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

STUDENTS

CHILD ABUSE PREVENTION AND REPORTING

5141.4

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The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

CHILD ABUSE PREVENTION

The district's instructional program may provide age-appropriate and culturally sensitive child abuse prevention curriculum which explains students' right to live free of abuse, includes instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, informs students of available support resources, and teaches students how to obtain help and disclose incidents of abuse.

The district's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee may display posters, in areas on campus where students frequently congregate, notifying students of the appropriate telephone number to call to report child abuse or neglect. (Education Code 33133.5)

In addition, student identification cards for students in grades 7-12 shall include the National Domestic Violence Hotline telephone number. (Education Code 215.5)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the district's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

CHILD ABUSE REPORTING

The policy and regulation applies to all certificated employees of the District and any other employees designated by law as a "child care custodian," "health practitioner," or "child visitation monitor" as defined by state law.

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

All new employees and all employees shall be trained in the duties of mandated reporters as required by law and as specified in the accompanying administrative regulation.

CHILD ABUSE PREVENTION AND REPORTING

The Governing Board recognizes that the district has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Superintendent or designee shall insure that parents/guardians have access to procedures whereby they can report suspected child abuse at a school site to appropriate child protective agencies (Education Code 33308.1) or file a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school sit

Legal Reference:

EDUCATION CODE

32280-32289 School Safety Plans

33195 Heritage schools, mandated reporters

33308.1 Guidelines on procedure for filing child abuse complaints

442522 Teaching credentialing

44691 Staff development in the detection of child abuse and neglect

44807 Teachers' duty concerning conduct of students

48906 Notification when pupil released to peace officer

48987 Dissemination of reporting guidelines to parents

49001 Prohibition of corporal punishment

51220.5 Parenting skills education

51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape or lewd or lascivious act

273a Willful cruelty or unjustifiable punishment of child; endangering life or health

288 Definition of lewd or lascivious act requiring reporting

11164-11174.3 Child Abuse and Neglect Reporting Act,

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

FEDERAL REFERENCES

McKinney-Vento Homeless Assistance Act; definitions

MANAGEMENT RESOURCES:

CDE Publication

Health Education Content Standards for California Public Schools, Kindergarten Through Grade Twelve

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

COURT DECISION

Camreta v. Greene (2011) 131 S.Ct. 2020

WEBSITES

California Department of Social Services, Children and Family Services Division -

<https://simbli.eboardsolutions.com/SU/NUxJnpatXXvxrHzEHC64ZQ==>

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

<https://simbli.eboardsolutions.com/SU/pluswON4RkFMmyUjC6Ao4cAPA==>

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

<https://simbli.eboardsolutions.com/SU/f4nllWcpXtRDJoWTLnOplusYw==>

California Department of Education, Safe Schools -

<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QPo821fOy9pq==>

Adoption History

Initial Adoption: 03/31/86

Reviewed/Revised: 09/13/93

03/24/97

08/16/99

05/11/04

06/16/08

01/18/22

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

INSTRUCTIONAL SERVICES

CHILD ABUSE PREVENTION AND REPORTING

5141.4

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NOTIFICATIONS

All employees shall be made aware of their responsibilities to report known or suspected instances of child abuse.

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of the mandated reporter's professional capacity or outside the scope of employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that the person knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to timely report an incident of known or reasonably suspected child abuse or neglect, the mandated reporter may be guilty of a crime punishable by a fine and/or imprisonment. (Penal Code 11166) No employee shall be subject to any sanction by the district for making a report unless it can be shown that the employee knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report. (Penal Code 11166, 11172)
3. As part of the hiring process, all new employees shall be required to sign a district statement to the effect that they are aware of their legal obligation to report known or suspected instances of child abuse and that they can't be held civilly or criminally liable for making a report.
4. This statement regarding child abuse obligations will be provided for all new employees by the human resources office. It shall include a statement that if the employee fails to report suspected child abuse or neglect, he/she may be found guilty of a crime (PC 11166).
5. After that statement has been signed by the new employee, it shall be placed in their personal file.
6. New employees shall not be authorized to start work, nor shall they be placed on the payroll prior to the completion of this statement.

District office administrators and site principals shall provide information, instruction, and assistance to employees regarding supervision of child abuse reporting requirements and procedures. This shall include the completion of the Department of Justice report form (DOJ SS 8572), #11166 PC, "Suspected Child Abuse", current telephone numbers to be used for child abuse reporting, an explanation of the types of evidence generally accepted as being indicative of child abuse, and other appropriate information and assistance.

TRAINING

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

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

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

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

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

DEFINITIONS

"Child Abuse" includes the following: (Penal Code 11165.5 and 11165.6)

1. A physical injury or death inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child including sexual assault or sexual exploitation
3. Willful cruelty, or harming or injuring a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody as defined in PC1165.3
4. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in PC1165.4.
5. Neglect as defined in PC1165.2. Instances that indicate that the emotional well-being of a child might be endangered include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or aggressive behavior towards self or others.

Child abuse or neglect does not include:

1. A mutual affray between minors. (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment. (Penal Code 11165.6)
3. An injury resulting from the exercise by a teacher, assistant principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning. (Education Code 44807)
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student. (Education Code 49001)
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student. (Education Code 49001)
6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

Duty to Report Abuse Mandated Reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program. (Penal Code 11165.7).

Volunteers whose duties require direct contact with and supervision of children are not mandated reporters. However, the law encourages volunteers to obtain training in child abuse identification and reporting (Penal Code 11165.7)

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on the person's training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. (Penal Code 11166)

REPORTABLE OFFENSES

A mandated reporter shall make a report using the procedures provided below whenever, acting in a professional capacity or within the scope of employment the mandated reporter has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. (Penal Code 11166)

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. (Penal Code 11165.9, 11166.05, 11167)

Any district employee who reasonably believes to have observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 shall notify a peace officer. (Penal Code 152.3,288)

RESPONSIBILITY FOR REPORTING

The reporting duties of mandated reporters are individual and cannot be delegated to another person. (Penal Code 11166)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)

Any person not identified as a mandated reporter who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

REPORTING KNOWN OR SUSPECTED CHILD ABUSE:

Initial Telephone Report:

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect,

1. A telephone report shall be made initially (858) 560-2191, and shall include the name, and phone number of the person/Agency making the report, the name and address of the child, the present location of the child including school, grade and class, names, addresses, and phone numbers of the child's parents/guardians, the nature and extent of the injury, and any other information, including information that led that person to suspect child abuse, requested by the child protective agency.

2. When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.
3. Information relevant to the incident of child abuse, including the investigation report and the name, address, and phone number of the person(s) who might have abused or neglected the child may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

Reporting the information to an employer, supervisor principal school counselor, co-worker or other person shall not be a substitute for making a mandated report to the appropriate agency. (Penal Code 11166)

Written Report:

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall prepare and either send, fax, or electronically transmit to the appropriate agency a written follow-up report, which includes a completed California Department of Justice (DOJ) form (BCIA 8572). (Penal Code 11166, 11168)

The DOJ form may be obtained from the district office or other appropriate agencies, such as the police department, sheriffs department, or county probation or welfare department. Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location, and, where applicable, school grade, and class
- c. The names, addresses, and telephone numbers of the child's parents/guardians
- d. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information

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

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

Interviewing Witnesses:

1. Upon request, a child protective agency representative or the State Department of Social Services may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private, or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)
2. A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:
 - a. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
 - b. The selected person shall not participate in the interview.
 - c. The selected person shall not discuss the facts or circumstances of the case with the child.
 - d. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

3. If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

Internal Reporting:

1. The identity of all persons who report child abuse shall be confidential. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall inform the Superintendent or designee. (Penal Code 11166)
2. Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.
3. If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

Release of Child to Peace Officer or Child Protective Services Agent:

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal shall **not** notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Parent/Guardian Complaints:

The duty to report child abuse is an important one and applies even if the known or suspected child abuse involves a school employee or co-worker.

Upon request, the Superintendent or designee shall provide parents/guardians with a copy of the district's administrative regulation that describes how to report suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided. (Ed. Code 48987)

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency.

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters. In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650(a)(viii)(C).

Adoption History

Initial Review: 12/09/85

Reviewed/Revised: 04/13/94
08/16/99
05/11/04
06/16/08
01/18/22

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL

4161.8

FAMILY CARE AND MEDICAL LEAVE

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The District shall not deny any eligible employee the right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) nor restrain or interfere with the employee's exercise of such right. In addition, the District shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful District practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in loco parentis, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means an employee who has been employed with the District for at least 12 months and who has at least 1,250 hours of service with the District during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The District shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)

2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the District shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Use/Substitution of Paid Leave

An employee shall use his/her accrued vacation leave, other accrued time off, and any other paid time off negotiated with the District for any otherwise unpaid FMLA or CFRA leave not involving his/her own serious health condition. For PDL, CFRA, or FMLA leave due to an employee's own serious health condition, the employee shall use accrued sick leave and may use accrued vacation leave and other paid time off at his/her option. (Government Code 12945, 12945.2, 12945.6; 2 CCR 11044; 29 USC 2612)

The District and employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the District shall limit leave increments to the shortest period of time that the District's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the District shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The District may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The District agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may

include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The District shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the District aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The District shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the District is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the District with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the District with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to District operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for

his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the District's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable the District to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a District-approved health care provider, at District expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the District, again at District expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the District may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work. The certification shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

However, the District may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of District employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to District operations.
3. The District informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The District may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The District may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the District and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the District shall continue to provide an eligible employee the group

health plan coverage that was in place before he/she took the leave. The employee shall reimburse the District for premiums paid during the leave if he/she fails to return to District employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the District shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during each 12-month period established by the District in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or on call to covered active duty status. (29 USC 2612; 29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence

5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the District's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The District shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating

- b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
- c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
- d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the District and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the District's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on District premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the

Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the District will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial
 - f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
 - g. The employee's potential liability for health insurance premiums paid by the District during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the District requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the District requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Legal References:

EDUCATION CODE

44965 Granting of leaves of absence for pregnancy and childbirth

FAMILY CODE

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12926 Fair employment and housing act, definitions

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

12945.6 Parental leave

12946 Fair Employment and Housing Act: discrimination prohibited

CODE OF REGULATIONS, TITLE 2

11035-11051 Sex discrimination: pregnancy, childbirth and related medical conditions

11087-11098 California Family Rights Act

UNITED STATES CODE, TITLE 1

7 Definition of marriage

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.702 Family and Medical Leave Act of 1993

COURT DECISIONS

United States v. Windsor, (2013) 699 F.3d 169

Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864

Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045

Management Resources:

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

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

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

Adoption History:

5/26/92

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Adopted: 7/19/94

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Reviewed: 3/13/06

Revised: 1/15/19

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

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The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

COMPLAINTS SUBJECT TO THE UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8498)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
11. Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school.(Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School safety plans (Education Code 32280-32289)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8207-8225)
23. State preschool health and safety issues in license-exempt programs (Education Code 8212)
24. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
25. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

NON-UCP COMPLAINTS

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, Protective Services Division, and the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.
5. Any complaint alleging a violation of state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 – Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance of the district's food service program with law regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE, (5 CCR 15580-15584)
7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture. (5 CCR 11582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32221.5 Insurance for athletic team members
32280-32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51222 Physical education, secondary schools
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52059.5 Statewide system of support
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52300-52462 Career technical education
52500-52616.24 Adult students
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations

PENAL CODE

422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs
4900-4965 Nondiscrimination in elementary and secondary education programs
15580-15584 Child nutrition programs complaint procedures

UNITED STATES CODE, TITLE 20

1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
6801-7014 Title III language instruction for limited English proficient and immigrant students

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975

11431-11435 McKinney-Vento Homeless Assistance Act

12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedure 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin

WEB SITES

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

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

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

U.S. Department of Justice: <http://www.justice.gov>

Adoption History:

Initial Adoption:	08/24/92		
Reviewed/Revised:	08/23/93	03/10/03	02/19/19
	09/13/93	01/10/05	08/20/19
	12/11/95	08/25/08	02/16/21
	01/08/96	11/13/12	03/01/22
	11/17/97	07/15/14	
	02/23/99	12/13/16	
	04/22/02	02/21/17	

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE
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ADMINISTRATIVE DESIGNEE

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

COMPLIANCE OFFICERS

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

Deputy Superintendent - Educational Services
255 Pico Ave., Suite 250
San Marcos, CA 92069
(760) 752-1231
tiffany.campbell@smusd.org

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

NOTIFICATIONS

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

FILING OF COMPLAINT

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a site administrator not designated as a compliance officer receives a complaint, the site administrator shall notify the compliance officer.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
3. A UCP complaint, except for a UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying, shall be filed no later than one year from the date the alleged violation occurred. For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Board. (5 CCR 4630)
4. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying} may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying. (5 CCR 4630)
5. A complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination, harassment, intimidation, or bullying occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
6. When a complaint alleging unlawful discrimination, harassment, intimidation, or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
7. When the complainant of unlawful discrimination, harassment, intimidation, or bullying or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

INVESTIGATION OF COMPLAINT

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

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EXHIBIT 1

NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:

PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.

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

The notice shall include:

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

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complaint's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offender(s), and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

TIMELINE FOR INVESTIGATION REPORT

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

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

INVESTIGATION REPORT

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

1. The findings of fact based on the evidence gathered.
2. A conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant law
3. Corrective action(s) whenever the district finds merit in the complaint, including, when required by law, a remedy to all affected students and parents/guardians and, for a student fees

complaint, a remedy that complies with Education Code 49013 and 5 CCR 4600

4. Notice of the complainant's right to appeal the district's investigation report to CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610
5. Procedures to be followed for initiating an appeal to CDE

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

In consultation with district legal counsel, information about the relevant part of an investigation report may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the investigation report or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination, harassment, intimidation, and bullying, notice of the investigation report to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient (ELP) student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

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

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including , but not limited to, injunctions, restraining orders or other remedies or orders, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

CORRECTIVE ACTIONS

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, courses without educational content, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 51228.3 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

APPEALS TO THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE)

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 30 calendar days of receiving the district's investigation report. (5 CCR 4632)

The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's investigation report for that complaint. The complainant shall specify and explain the basis for the appeal, including at least one of the following: (5 CCR 4632)

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

Upon notification by CDE that the district's investigation report has been appealed, the Superintendent or designee shall forward the following documents to CDE within 10 days of the date of the notification: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the district's investigation report
3. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
4. A report of any action taken to resolve the complaint
5. A copy of the district's UCP
6. Other relevant information requested by CDE

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

HEALTH AND SAFETY COMPLAINTS IN LICENSE-EXEMPT PRESCHOOL PROGRAMS

Any complaint regarding health and safety issues in a license-exempt California State Preschool Program (CSPP) shall be addressed through the procedures described in 5 CCR 4690-4694.

In order to identify appropriate subjects of CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom in the district notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. For this purpose, the Superintendent or designee may download and post a notice available from the CDE web site. (Education Code 8212; 5 CCR 4691)

The district's annual UCP notification distributed pursuant to 5 CCR 4622 shall clearly indicate which of its CSPP programs are operating as exempt from licensing and which CSPP programs are operating pursuant to requirements under Title 22 of the Code of Regulations. (5 CCR 4691)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint, and allow a complainant to add as much text as desired to explain the complaint. (Education Code 8212; 5 CCR 4690)

If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. The preschool administrator or the Superintendent or designee shall make all reasonable efforts to investigate any complaint within their authority. (Education Code 8212; 5 CCR 4692)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8212; 5 CCR 4692)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool

administrator or Superintendent's designee shall, within 45 working days of the initial filing of the complaint, report the resolution of the complaint to the complainant and CDE's assigned field consultant. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8212; 5 CCR 4692)

If a complaint regarding health or safety issues in a license-exempt CSPP program involves an LEP student or parent/guardian, then the district's response, if requested by the complainant, and the investigation report shall be written in English and the primary language in which the complaint was filed.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting and, within 30 days of the date of the written report, may file a written appeal of the district's decision to the Superintendent of Public Instruction in accordance with 5 CCR 4632. (Education Code 8212; 5 CCR 4693, 4694)

All complaints and responses are public records. (5 CCR 4690)

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools. (5 CCR 4693)

Initial Review:	08/24/92		
Reviewed/Revised:	12/13/93	01/10/05	02/16/21
	12/11/95	08/25/08	07/20/21
	11/17/97	11/13/12	03/01/22
	02/23/99	07/15/14	
	03/30/99	12/13/16	
	04/22/02	02/19/19	
	03/10/03	08/20/19	

EXHIBIT 2

PRESCHOOL COMPLAINT FORM: UNIFORM COMPLAINT PROCEDURES

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact information: (if response is requested)

Name: _____

Address: _____

Phone number: Day: __ Evening: __

Email address, if any: __

Date problem was observed: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

The preschool does not have outdoor shade that is safe and in good repair.

Drinking water is not accessible and/or readily available throughout the day.

The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

Restroom facilities are not available only for preschoolers and kindergartners.

The preschool program does not provide visual supervision of children at all times.

Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

TOBACCO-FREE SCHOOLS

3513.3
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The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with District goals to provide a healthy environment for students and staff.

The Board prohibits smoking and/or the use of tobacco products at any time in District owned or leased buildings, on District property, and in District vehicles.

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off District property. Any written joint use agreement governing community use of District facilities or grounds shall include notice of the District's tobacco-free schools policy and consequences for violations of the policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electric smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Tobacco products included:

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

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited.

Legal Reference:

Education Code

48900 Grounds for suspension/expulsion

48901 Smoking or use of tobacco; steps to discourage

Business and Professions Code

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

Health and Safety Code:

39002 Control of air pollution from non-vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

Labor Code

3300 Employer, definition

6404 Safe and healthful workplace

6404.5 Occupational Safety and Health: Use of tobacco products

United States Code title 20

6083 Non-smoking policy for children's services
7111-7122 Student Support and Academic Enrichment Grants
Code of Federal Regulations, Title 21
1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors
PERB Ruling
Eureka Teachers Assn. v Eureka City School District (1992) PERB Order #955 (16 PERC 23168)
CSEA #506 and Associated Teachers of Metropolitan
Riverside vs. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Adoption History:

Initial Review: 11/14/94
Adopted: 11/28/94
Reviewed: 1/25/99
Reviewed: 8/26/02
1/23/06
9/7/10
Revised: 8/18/15
Revised: 7/18/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

HUMAN RESOURCES AND DEVELOPMENT

TOBACCO FREE SCHOOLS

3513.3
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Notification

Information about the District's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community.

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

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property.

Enforcement

Any employee or student who violates the District's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the District's policy on tobacco-free schools shall be informed of the District's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property.
2. Request local law enforcement assistance in removing the person from school premises.
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering District property for a specified period of time.

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the District or any employee.

Adoption History:

Initial Review: 1/23/95
Reviewed: 1/25/99
Reviewed: 8/26/02
Reviewed: 1/23/06
Reviewed: 1/23/06
Revised: 9/7/10
Reviewed: 8/18/15
Revised: 7/18/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES
AND DEVELOPMENT

ALL PERSONNEL

4033

LACTATION ACCOMMODATION

Page 1 of 2

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any district employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any district employee who chooses to express milk for her infant child while at work.

The district shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express milk for her infant child. (Labor Code 1030)

To the extent possible, such break time shall run concurrently with break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

Legal Reference:

Education Code:

200-262.4 Prohibition of discrimination on the basis of sex

Civil Code:

43.3 Right of mothers to breastfeed in any public or private location

Government Code:

12940 Discriminatory employment practices

12950 Discrimination based on pregnancy, childbirth, or related medical conditions

Labor Code:

1030-1033 Lactation accommodation

Code of Regulations, Title 2
7291.2 – 7291.16 Sex discrimination; pregnancy and related medical conditions
United States Code, Title 29
207 Fair Labor Standards Act; lactation accommodation
Fair Employment and Housing Commission Decisions
Department of Fair Housing v. Acosta Tacos (Chavez), FEHC Precedential
Decision 09-03P, 2009

Adoption History:

Initial Review: 2/6/12

CHILD ABUSE REPORTING REQUIREMENTS

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

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

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

**DEPENDENT ADULT ABUSE REPORTING REQUIREMENTS
SECTION 15630 OF THE WELFARE & INSTITUTIONS CODE**

15630. (a) Any dependent adult care custodian, health practitioner, or employee of a County adult protective services agency or a local law enforcement agency, who in his or her professional capacity or within the scope of his or her employment, either has actual knowledge that a dependent adult has been a victim of physical abuse, or observes a physical injury to a dependent adult under circumstances that are consistent with physical abuse, where the dependent adult's statements, or in the case of persons who have developmental disabilities, their statements or corroborating evidence, indicate that abuse has occurred, shall report the known suspected instance of physical abuse to the county adult protective services agency, or a local law enforcement agency immediately or as soon as possible by telephone, and shall prepare and send a written report thereof within 36 hours.

(b) Any care custodian, health practitioner, or employee of an adult protective services agency or local law enforcement agency has knowledge of or a reasonably suspects that other types of dependent abuse have been inflicted upon a dependent adult or that his or her emotional well-being is endangered in any way, may report such known or suspected instance of abuse to an adult protective services agency or local law enforcement agency.

(c) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of abuse of a dependent adult, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(d) The reporting duties under this section are individual, and no supervisor, or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report, however, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, provided they are not inconsistent with the provisions of this chapter.

(e) An adult protective services agency shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of dependent adult abuse, every known or suspected instance of dependent adult abuse. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to each agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible, report by telephone to the county welfare department and the agency given responsibility for the investigation of cases of dependent adult abuse every known or suspected instance of abuse of a dependent adult. A law enforcement agency

shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency which is required to make a telephone report under this subdivision.

NOTE: A "care custodian" means an administrator of an employee of any educational institution.

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

"Physical abuse" means assault as defined by Section 240 Penal Code; battery, as defined in Section 242 of the Penal Code; assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code; unreasonable physical constraint, or prolonged or continual deprivation of food or water and sexual assaults as defined in Sections 243.4, 261, 264.1, 285, 286, 288a, and 289 of the Penal Code.

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

Governing Board: Stacy Carlson Sarah Ahmad Sydney Kerr Carlos Uloa, Ed.D. Jaime Chamberlain
Andrew S. Johnsen Ed.D., Superintendent

HOW TO REPORT CHILD ABUSE

Categories of Child Abuse

Physical Abuse: Any act resulting in non-accidental injury, including burning, biting, cutting, pulling or twisting limbs.

Physical Neglect: Withholding basic necessities of life, including adequate food, clothing, shelter or medical care.

Emotional Abuse: Includes verbal assault (i.e. belittling, screaming, threats, blaming, sarcasm) continual negative moods & family discord.

Sexual Abuse: Rape, rape in concert, incest sodomy, oral copulation, penetration of genital/anal opening by a foreign object & child molestation.

Indicators of Abuse: This is a partial list of abuse indicators. There are many others.

Physical Indicators of Physical Abuse:

Unexplained bruises, welt on face, lip or mouth
Bruises in various stages of healing & where appearing in patterns;
Cigar or cigarette burns,
Unexplained fractures to skull, nose or facial structure;
Unexplained lacerations/abrasions to mouth;
Unexplained swelling of abdomen;
Constant vomiting; and/or human bite marks

General Indicators of Neglect:

Clothing tattered/inadequate for weather conditions;
Constant hunger, or attempts to steal or beg for food
Reports being left unattended for extended length of time;
Is dirty/smells, has bad teeth, hair falling out etc.
Unattended wounds;
Thin emaciated, constantly tired, shows signs of malnutrition/dehydration

Behavior Indicators of Physical Abuse:

Wary/shrinking from adult human contact
Becomes apprehensive when other children cry;
Demonstrates extremes in behavior, extreme aggressiveness or passivity;
Seems frightened of parents or does not want to go home;
Wears long sleeved blouse/shirt/turtleneck sweater in summer to cover bruises or marks

Behavior Indicators of Sexual Abuse:

Difficulty in walking or sitting;
Complaints of pain/itching ingential area;
Appears withdrawn, particularly around adults;
Displays bizarre/sophisticated/unusual sexual knowledge/behavior;
Goes to the bathroom with difficulty;
Complains about someone doing things to them;
Washes hands frequently

If you observe **any** of the above behaviors, signs or indicators, please contact an administrator as quickly as possible. "Any person who fails to report an instance of child abuse which he or she knows to exist, or reasonably should know to exist, as required by this article, is guilty of a misdemeanor; punishable by confinement in a county jail for a term not to exceed six months, by a fine of not more than one thousand dollars (\$1,000) or by both imprisonment and fine (References-California Penal Code Sections 11166 and 11172 and District Child Abuse Reporting Guidelines)

WORKERS' COMPENSATION

If an employee is injured on the job, protection is provided by Workers' Compensation Insurance. Benefits are in the form of medical care, temporary disability benefits, necessary rehabilitation services, or death benefits to dependents.

All injuries must be reported to the immediate supervisor within 24 hours or future benefits may be forfeited. A report must be submitted even if the employee chooses not to seek medical attention. A supervisor will be able to assist with the forms required and answer questions regarding workers' compensation. Contact the Risk Management Coordinator for further information. Filing of a claim does not automatically qualify an employee for benefits. Benefits will be determined by the District's workers' compensation administrator.

Employees may see their own personal physician in case of injury on the job if a written notice to do this is on file in the Human Resources and Development Department prior to the injury. This notice should be filed at the time of hire, or the employee may notify the Risk Management Coordinator to file this notice after initial employment. It is the employee's responsibility to file a new notice if the employee changes doctors. The Workers' Compensation Administrator still retains the right to have an employee see a workers' compensation doctor in addition to the selected personal physician.

A Workers' Compensation Handbook and Statement will be given to new employees when first hired with the District, and again if injured on the job. Read this booklet and become familiar with the benefits that are available.

The District wants to ensure that employees promptly receive all of the benefits to which they are entitled to promote a speedy recovery and return to work.

The District has a return to work program for employees who are injured on the job. If an employee is released by their doctor with temporary job modifications, the District will make every attempt to make the necessary accommodations.

DISABILITY

San Marcos Unified School District employees do not participate in State Disability Insurance (SDI). If an employee is disabled and unable to work (verified by a doctor's note) and has exhausted all full-paid leave, the employee is eligible for differential pay. Refer to the bargaining unit master contract for a description of differential pay.

SAFETY

It is each employee's responsibility to report any unsafe situation to the immediate supervisor. Prompt attention to safety issues will prevent problems. No employee shall be reprimanded or discriminated against as a result of reporting any condition believed to be a violation of state or federal law or agency regulation. The District provides all safety equipment necessary to permit employees to perform assigned duties safely.

It is the employee's responsibility to use any safety equipment, clothing or procedures on the job as instructed. If injured on the job, it is important to report the injury to the supervisor immediately. The supervisor will direct the injured employee to seek appropriate assistance and submit the required accident report to Human Resources for processing. The injured employee is required to send the attending physician's note to Human Resources after each visit and receive clearance from Human Resources prior to returning to work.

RETIREMENT (STRS/PERS)

In order to ensure that the retirement process is managed in a timely manner, it is recommended that planning begin well in advance. This is important because processing by the retirement system and Social Security Administration can take three to four months.

Contact the appropriate retirement system (CalSTRS for Certificated employees, CalPERS for Classified employees) and/or the Social Security Administration for counseling about specific retirement options.

RETIREMENT BENEFITS

There are different types of retirement benefits to which the District and/or the employee contribute. Employees are eligible for one or more of these depending upon hours of employment and selection of benefits.

Certificated staff who qualify become members of the State Teachers' Retirement System (CalSTRS). Classified employees who work four (4) hours or more daily at any time during District employment become members of **both** the Public Employees Retirement System (CalPERS) and the federal Social Security System (FICA). Both the employee and District contribute to these plans.

SMUSD Employee Handbook

For more information about CalSTRS, Certificated employees may call (800) 228-5453.

For more information about CalPERS, Classified employees may call (888) 225-7377.

For more information about FICA, employees may call (800) 772-1213.

Additional information regarding retirement benefits may be found in the employee master contracts.

PAYDAY

TIMECARDS & TIMESHEETS:

Timecards and timesheets are due to the site/department by 4:00 p.m. on payday (the last business day of the month) to be paid on the following month's payday. All timecards and timesheets need site approval before being submitted to payroll to be processed.

Please complete electronic timesheets through Frontline's Time and Attendance feature, with your requisition number typed in the comment section. Without this information, your pay may be delayed.

Please make sure that your name and employee ID number are on all correspondence submitted to payroll.

PAYDAY:

Payday is once a month, on the last working day of the month. If you do not have Automatic Deposit, payroll warrants are available in the Payroll Department at the District Office between 8:00 a.m. and 4:30 p.m. (If any employee wants to have their paycheck mailed to them, they must forward a self-addressed, stamped legal (no.10) envelope to the Payroll Department.)

SAN MARCOS UNIFIED SCHOOL DISTRICT ACCOUNTING DEPARTMENT

PAYROLL

Certificated Payroll (A-L) – Emily Koebel (760) 752-1263

Certificated Payroll (M-Z)/Sub Certificated – Jonathan Meraz (760) 752-1265

Classified Payroll (A-L)/ Transportation- Valerie Herrera (760) 752-1206

Classified Payroll (M-Z)/Sub Classified - Jenny Veloz (760) 752-1262

403b, 457b and Roth 403b Information

403b, 457b and Roth 403b voluntary employee retirement investments are available to all employees of the San Marcos Unified School District, with very few exceptions.

403b INVESTMENTS WITH AN APPROVED VENDOR

A list of our District's approved 403b vendors (companies) can be accessed on-line at www.fbcretire.com. Click on 'Approved Vendor List'. The vendor you choose to make your investment with *must* be on our approved vendor list. Please choose only from the vendors which have signed the Information Sharing Agreement and have a 'Yes' in the Transfer Eligible column. Those vendors who have not signed will be dropped off the approved list in the near future. Once you have established an account with the vendor of your choice, send the completed Salary Reduction Agreement (SRA) form to the District Office, attention Payroll Department, in order to get your contributions started. The SRA form can be printed from this website, under 'Plan Forms'.

403b, 457b and Roth 403b INVESTMENTS WITH THE SAN DIEGO COUNTY FBC PROGRAM

Another choice for investing is through the Fringe Benefits Consortium (FBC) program, which offers 403b, 457b and Roth 403b's. If you are interested in using a 457b or Roth 403b, they are available *only* through the FBC program. Information on this program is available on-line at www.fbcretire.com. Also, there is a local representative for the FBC Program, for those who require assistance with enrollment, investments, rollovers, etc. Call 760-845-2596 to speak to Randy Thill.

The Universal Availability Act

The Universal Availability Act requires that at least once during each plan year that the Plan Sponsor (district) **must** provide the employee with the opportunity to make or change an elective deferral. The District must notify the employee of the availability to make this contribution to a deferred compensation account. The opportunity to make deferrals would include an emphasis on the right to contribute up to the lesser of the maximum allowable contribution. An example of this would be the Catch-up provision, 50 and older opportunity for extra contributions to the plan, etc.



CALENDAR YEAR END TAX REMINDERS AND INFORMATIONS

****Reminder: File a new W-4 form if your filing status has changed since the last W-4 was filed. Your current status is displayed on the top portion of your warrant stub. Filing status changes include, but are not limited to, marriage, divorce, adding a dependent, and losing a dependent.**

Consult with your tax advisor if you need assistance. W-4 (federal) and DE4 (state) forms are available on our website.

****W-4 exempt status:** If you are currently claiming *exempt* status on your W-4 form, be aware that you must renew this status on an annual basis. Please submit a new W-4 to Payroll within the first two weeks of January, or we will be obligated by Federal law to change your status to *single zero*.

****Earned Income Credit (EIC) Advance Payment Certificate:** Form W-5, Earned Income Credit advance payment certificate, expires on December 31st. Employees who want to continue receiving advance payment of earned income credit (EIC) must complete a new form W-5.

****Is your address correct?** Has your address changed or are you moving in the near future? Remember to complete a "Change in Personnel Payroll Records" form available at your site office, or on our website. Accurate address and telephone information is very important for year-end W-2 processing and for emergency situations. **If your current address is different than the one on your last paystub, please update your file today.**

****Has your name changed? If your name has changed, you need to provide payroll with a copy of your new, signed social security card.**

****Did you know...** All timecards and timesheets submitted to payroll are processed and paid by Employee I.D. number. Please make sure that your I.D. number is on all correspondence submitted to payroll. Your I.D. number can be found on your check stubs.

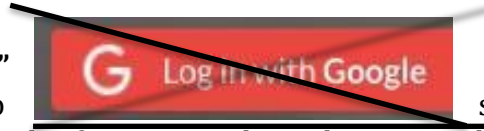
Any forms mentioned above that are available on our district website can be accessed under Departments, Accounting, Payroll Forms.

Ed Tech Law and SMUSD Social Media Best Practices

Ed Tech Law

Children's Online Privacy Protection Rule "COPPA"

Staff should NOT allow students under the age of 13 to sign in to websites or apps that require them to enter personal information. Through our Google Apps for Education domain, we are allowed to access specific Google Apps which would normally be 13+. This does NOT include websites that suggest logging in with a Google account. Such sites must still be COPPA compliant. Logging in to a non COPPA compliant site with a Google account, means that website has access to data that may be protected under COPPA, which would be a violation.



<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule>

Family Educational Rights and Privacy Act "FERPA"

FERPA affords parents the right to have access to their children's education records and to seek to have the records amended. Families are notified of FERPA every school year.

What does this mean to employees? Any information that personally identifies a student must be kept confidential.

This includes:

- Email communications between employees discussing a student
- Posting a list of class grades (even if it is by student ID) or having a student distribute graded papers to the class.
- Leaving a computer unattended with student records in view.
- Having students enter grades in the teacher's gradebook.

(The above list is not comprehensive.)

WHEN IN DOUBT, DON'T GIVE IT OUT!

This does NOT include:

- Individual notes an employee may keep for their use ONLY. These must remain confidential; however, they are not subject to parent access.
- Information released in a health or safety emergency.
- Peer-graded papers BEFORE they are collected and recorded by the teacher.

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Student Online Personal Information Protection Act "SOPIPA" (Ed Code 49073.1)

If you ask students to create an account on a non-SMUSD website (even if the account is free), that website site or app must comply with these requirements:

SMUSD Employee Handbook

- The records are the property of the District (not the third party vendor)
- Students must retain possession of what they have created and be able to transfer it to a personal account
- The vendor can't use the students' information or sell it to any vendors
- The vendor can't use personally identifiable information to advertise to students
- They must secure all data collected
- See link below for additional information.

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=49073.1.

Always read the "Privacy Policy" and "Terms of Service" carefully before asking students to create an account. If the company doesn't comply with SOPIPA, FERPA, COPPA or says something that makes you uncomfortable, do not ask students to create an account, *even if they log in through their Google account*.

Logging in through a Google account only simplifies the account creation process. It does not guarantee that the company meets the legal requirements under these laws. Many of these require students to be at least 13 years old (18 in some cases). You must comply with these age requirements for your students as well.

Social Media Guidelines for Faculty & Staff

Social Media can be a very powerful communication and educational tool for today's society. Employees in the San Marcos Unified School District (SMUSD) are encouraged to embark in the social media world and leverage these tools. However, the following guidelines and best practices have been established to provide all employees direction on the appropriate use of various forms of social media.

What is social media?

Social media is defined as any form of online publication or presence that allows end users to engage in multi-directional conversations in or around the content on the website. A large percentage of Internet traffic is centered around the use of social media. Social media includes but is not limited to: Facebook, Instagram, Twitter, YouTube, blogs, wikis, document sharing and email.

Personal Use of Social Media

SMUSD employees are encouraged to keep their personal lives personal even in the digital world where personal and professional can become blurred. District procedure discourages employees from engaging in communication with students via social media. Students under the age of 13 are not permitted to have social media accounts. If you decide to become friends with any student over the age of 13, this obligates you to report any illegal misconduct, abuse, or cyberbullying that you are a witness to. Also, any misconduct by you that is viewed by students may result in disciplinary action by the school District. Procedures also discourage communicating with parents of students via social media. If you have personal social media accounts, the following response is recommended when denying such requests.

Sentence for staff to respond to requests on their personal social networks:

If you are a student or parent requesting to be my “friend,” please do not be surprised or offended if I ignore your request. As an employee of the San Marcos Unified School District, our policy discourages me from communicating with students or parents on social media. I would encourage you to friend our school and the San Marcos Unified School District Facebook page.

Best Practices

Be Transparent

How you represent yourself online is an extension of yourself. Do not misrepresent yourself by using someone else's identity or misrepresenting your identity. Be honest about who you are, where you work and what you do.

Always a School Employee

The lines between public and private, personal, and professional are blurred in the digital world. Even when you have a disclaimer or use a different user name, you will always be considered to be a District employee. Whether it is clearly communicated or not, you will be identified as working for and sometimes representing the school in what you do and say online. Always write in the first person and make it clear that you are speaking for yourself and not on behalf of the District.

Use a Disclaimer

Include a disclaimer on your social media site which says something like this: “The opinions and positions expressed on this site are my own and do not necessarily reflect my school District’s positions, strategies, or opinions.” This standard disclaimer does not exempt employees from their responsibilities as explained in these guidelines. If asked by media to comment on a school related issue, refer them to the correct department or person in the District or when in doubt, to the principal or superintendent.

School Values

Represent the District values. Express ideas and opinions in a respectful manner. All communications should be done in good taste. Build trust and responsibility in your relationships. Do not denigrate or insult others including students, staff, administrators, parents, or other Districts. Don't use ethnic slurs, innuendos, obscenity or any other inappropriate content. Even though you are of legal age, consider carefully what you post through comments and photos. There are school Districts who have taken disciplinary action on staff that made posts relative to alcohol and sexual activities.

Build Community/Positively Represent School

Represent the District and the students and parents you serve in the best light. Respect the privacy and the feelings of others. Under no circumstance should offensive comments be made

about students or colleagues (including administrators) nor the District in general. Negative comments about people may amount to cyber-bullying and could be deemed a disciplinary offence. Your posts and comments should help build and support the school community. Do not comment on nor forward unsupported information, e.g. rumors. You are responsible for what you post, be certain it is accurate and supports your organization. If you are about to publish something that makes you hesitate, wait a day, review the guidelines, and talk to a colleague or supervisor. Once posted, you can't take it back.

Share your Expertise

Write what you know and be accurate. Add value to the discussion. Post something useful. Provide worthwhile information and perspective. A District's most valuable asset is its staff. What you publish and post may reflect on the school and the District. Speak in the first person with your own voice and perspective.

Respect and Responsible

Employees, parents, and students reflect a diverse set of customs, values and points of view. Be respectful of the opinions of others in your posts or comments. You are responsible for the content you post. Consider the words used to tag content in a social bookmarking site. Consider the avatar you select. Do your tags, descriptions, and your image portray you in a professional manner?

Own and Correct Mistakes

If you make a mistake, admit the mistake and correct it quickly. Clearly state if you've corrected a previous post. Even though damage may be done, it is best to admit your mistake and correct it. Apologize if appropriate.

Confidential Information

Online postings and conversations are not private. Do not share confidential information whether it is internal school discussions or specific information about students or other staff. What you post will be seen by others and will be online for a long time. It can be forwarded or shared in just a few clicks. Do not write about a colleague or student without their permission.

School and District Logos

Do not use any school or District logo or image without permission.

Posting Photos or Movies without Permission

Do not post photos or movies of fellow employees without their permission. Do not use photos or movies taken at school without permission. Do not post photos or movies that contain student without parent consent.

Responding to Negative Comments and Criticism

How you respond to a negative comments or criticism will say more about you and your character than what you post. If you delete a negative post, it discourages open communications. When publicly criticized or receiving a negative comment, first, stay cool and don't reply in haste. Express your view in a clear, logical way. Don't get personal and if you made a mistake, admit it and move ahead. It is not uncommon for a negative response to be answered by some other person, who supports your view. When in doubt, it's best to ignore a comment and not give it credibility by acknowledging it with a response publicly; perhaps a face-to-face meeting would be more appropriate.

Response and Post Regularly

Post regularly. Don't post to your blog and then not post for three weeks. Readers won't have a reason to follow you if they can't expect new content regularly. Respond to other's posts. Answer questions; thank people even if it's just a few words. Make it a two way conversation.

Spell Check and Abbreviations

Blog and wiki posts should be well written. What you post will be online for the world to read. Follow writing conventions including proper grammar, capitalization, and punctuation. Be cautious about using common abbreviations. While your circle of friends may understand what you are saying, you may have readers from across the world who won't understand. When in doubt, define the abbreviation at least once in a post or include a definitions page on your site.

Copyright and Fair Use

Respect copyright and fair use guidelines. Share what others have said by linking to the source and using embedded content. Be sure to cite your source when quoting. When using a hyperlink confirm that link goes where it should and that the content is appropriate. It is recommended that all online content be licensed under a Creative Commons Attribution Non- Commercial Share Alike 3.0 United States License (<http://creativecommons.org/licenses/by-nc-sa/3.0/>).

Personal Information

Be careful about sharing too much personal information. People often share information such as their pet name, their parents and children's names, where they grew up, and more. This information has been used by hackers to guess passwords. If you share that you will be out of town, a criminal may use this to target your home for a burglary. Be smart and don't share too much about yourself online.

Video

YouTube is becoming an increasingly popular place to share personally created movies. You are responsible for all you do, say, and post online including video. Anything you post online

should represent you in a professional manner as others will see you as connected to the school District. It disrupts learning to have days of conversation about a teacher created YouTube video with questionable content.

Staff-Student Relations

Employees are prohibited from establishing personal relationships with students that are unprofessional and thereby inappropriate. Examples of unprofessional relationships include, but are not limited to: employees fraternizing or communicating with students as if employees and students were peers such as writing personal letters or e-mails; calling students on cell phones or allowing students to make personal calls to them unrelated to homework or class work; sending inappropriate pictures to students; discussing or revealing to students personal matters about their private lives or inviting students to do the same (other than professional counseling by a school counselor); and engaging in sexualized dialogue, whether in person, by phone, via the Internet, or in writing. Employees who post information on Facebook, Instagram or similar web sites that include inappropriate personal information such as, but not limited to: provocative photographs, sexually explicit messages, use of alcohol, drugs or anything students are prohibited from doing must understand that if students, parents or other employees obtain access to such information, their case will be investigated by school and District officials and if warranted will be disciplined up to and including termination, depending upon the severity of the offense. Additionally, certified personnel, depending upon the severity of the offense, may have their case forwarded to the appropriate state department for review and possible further sanctions. The Superintendent or designees reserve the right to periodically conduct Internet searches to determine if employees have posted inappropriate materials on-line. If inappropriate use of computers and web sites is discovered, the Superintendent's designees will download the offensive material and promptly bring that misconduct to the attention of the Superintendent.

Email

School District requires through responsible use policies, that all electronic or any other communications by employees to students or parents at any time, from any email system shall be expected to be professional, acceptable in content to any reasonable person, and limited to information that is school-related or is acceptable to both student and parent.

Email between employees and students and parents shall be done through the school provided email application. Email must conform to school email policies.

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

INSTRUCTIONAL SERVICES

USE OF COPYRIGHTED MATERIALS

6162.6
Page 1 of 3

Prior to reproducing, distributing, displaying, posting, performing, or otherwise using a copyrighted material for an instructional purpose or in the course of other district business, district staff shall determine whether it is necessary to request permission of the copyright holder. Unless the staff member is reasonably certain that the material is in the public domain or the intended use meets the criteria for an exception specified in 17 USC 107-122 and this administrative regulation, he/she shall either obtain permission from the copyright holder or avoid use of the material. In addition, permission of the copyright holder shall be requested whenever district staff intend to publicly disseminate a copyrighted work, such as by posting on the district or school web site or using another method of communications accessible to the public.

Any reproduction or other use of a copyrighted work shall include the copyright notice.

District staff shall not reproduce and distribute copyrighted works of any type in any of the following circumstances:

1. When the copyrighted work is a "consumable" work such as a workbook, standardized test, answer sheet, or similar material
2. To substitute for the purchase of the work
3. To create, replace, or substitute for anthologies or collective works

REQUESTS FOR PERMISSION TO USE COPYRIGHTED MATERIALS

As necessary, district staff desiring to use a copyrighted material shall identify and contact the copyright holder to request permission to use the material. The request shall include the following information:

1. Title, author(s), editor(s) or publisher, producer(s) or distributor
2. Edition, copyright and/or production year
3. Exact amount of material to be used, such as the number of lines, pages, or chapters or percentage of the work
4. Nature of the use, such as the course in which it will be used, the grade level of the students, the number of students, and the frequency of use
5. How the material will be reproduced and distributed

If the copyright holder requires a fee to grant permission, district staff shall seek approval from the Superintendent or designee prior to incurring the cost.

CRITERIA FOR FAIR USE

In considering whether a copyrighted work may be used without the copyright holder's permission on the grounds that the intended use is "fair use" pursuant to 17 USC 107, including reproduction in copies, phonorecords, or any other reproductive form for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, district staff shall consider all of the following factors: (17 USC 107)

1. The purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work

Any determination of fair use shall weigh together all the factors specified in items #1-4 above in addition to any applicable guidelines presented in this administrative regulation for specific types

of copyrighted works.

GUIDELINES FOR COPYING TEXT

Staff may reproduce text from a copyrighted work from a printed resource, the Internet, or other source, without permission from the copyright holder, under the following conditions:

1. A single copy of a chapter of a book, article from a periodical or newspaper, short story, short essay, short poem, chart, graph, diagram, drawing, cartoon, or picture may be made by or for a teacher for his/her scholarly research or use in teaching or preparation to teach a class.
2. Multiple copies, not to exceed one copy per student in a course, may be made by or for a teacher for classroom use or discussion, provided that:
 - a. The amount to be copied does not exceed:
 - i. 250 words for a complete poem or excerpt from a poem
 - ii. 2,500 words for a complete article, story, or essay
 - iii. 1,000 words or 10 percent of the whole (with a minimum of 500 words), whichever is less, for an excerpt from a larger prose work
 - iv. One illustration (e.g., chart, graph, diagram, cartoon, or picture) per book or periodical issue
 - b. The copying is for only one course in the school.
 - c. With the exception of newspapers and other news periodicals, not more than one work is copied from the same author per term, not more than three works are copied from the same collective work or periodical volume per term, and there are no more than nine instances of multiple copying per course per term.
 - d. A delay to request permission from the copyright holder would preclude the most effective instructional use of the material.

GUIDELINES FOR REPRODUCING SHEET AND RECORDED MUSIC

District staff may reproduce sheet music and recorded music without permission from the copyright holder under the following conditions:

1. Emergency copies may be made when purchased copies needed for an imminent performance are not available, provided that replacement copies shall be purchased in due course.
2. Single or multiple copies of excerpts of work may be made for academic purposes other than performances, provided that the excerpt does not constitute an entire performable unit (e.g., a section, movement, or aria), no more than 10 percent of the total work is used, and the number of copies made does not exceed one per student.
3. Printed copies that have been purchased may be edited or simplified provided that the character of the work is not distorted and lyrics are not added or altered.
4. A single copy of a recorded performance by students may be made for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the district or individual teacher may be made for the purpose of constructing exercises or examinations.

GUIDELINES FOR PERFORMING OR DISPLAYING COPYRIGHTED WORKS

In the course of face-to-face instruction in a classroom or similar place devoted to instruction, teachers or students may recite, render, play, dance, act, or show a copyrighted work either directly or by means of any device or process or, in the case of a motion picture or other audiovisual work, show its images in any sequence or to make the sounds accompanying it audible, provided that: (17 USC 101, 110)

1. The performance or display is given by means of a lawfully obtained copy of the work.
2. The performance or display is made by, at the direction of, or under the actual supervision of a teacher as an integral part of a class session.
3. The performance or display is directly related and of material assistance to the teaching content of the transmission.

4. The transmission is limited to students enrolled in the course or to Governing Board members or employees as part of their official duties or employment.
5. If the work is to be digitally transmitted, the district has applied technological protections that reasonably prevent retention of the work in accessible form for longer than the class session and the unauthorized further dissemination of the work.

Any use of a motion picture or other audiovisual work outside the curriculum, such as for entertainment, a school or class reward, or a fundraiser, shall require permission from the copyright holder or a special viewing license.

GUIDELINES FOR RECORDING BROADCAST PROGRAMMING

Teachers may make recordings of television programs for use in a classroom for educational purposes under the following conditions:

1. Only programs provided to the public free of charge may be recorded and shown. Any use of programming from paid television services shall require permission of the copyright holder.
2. The recording may be shown only during the first 10 consecutive school days after it is made. It may be used once by an individual teacher in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary.
3. A limited number of copies may be reproduced from each recording to meet the legitimate needs of the teacher. Each copy shall be subject to all the provisions governing the original recording.
4. The recording may be retained for 45 calendar days after it is made and then shall be erased or destroyed. However, after the first 10 consecutive school days, the recording may only be used for purposes of determining whether or not to include the broadcast program in the teaching curriculum. If the teacher decides to keep the program for use in the curriculum, he/she shall request permission from the copyright owner.
5. Off-air recordings need not be used in their entirety, but the content of recorded programs may not be altered.

GUIDELINES FOR COPYING COMPUTER PROGRAMS OR SOFTWARE

District staff shall observe all licensing agreements between vendors and the district, including monitoring the number of users permitted by an agreement. Unless the applicable licensing agreement authorizes multiple users of a single computer program or software, the district shall not make multiple copies.

Copies of district-owned software may be made under either of the following conditions: (17 USC 117)

1. The copy is needed as an essential step in using the computer program with a particular machine.
2. The copy is used for archival or “backup” purposes only. This copy may be held only as a file copy and must be destroyed in the event that continued possession of the program ceases to be rightful, unless the copyright owner authorizes its sale, lease, or transfer as part of the sale, lease or transfer of the original program

Adoption History

Initial Review: 06/04/84

Reviewed/Revised: 12/13/93

06/13/05

05/11/09

04/19/22

SMUSD Employee Handbook

San Marcos Unified School District **Sudden Cardiac Arrest Employee Information Sheets**

Introduction

Sudden Cardiac Arrest is a leading cause of death in the United States. More than 350,000 cardiac arrests occur each year. Less than 10 percent of those victims survive. Cardiac arrest can happen to anyone at any time. It is important that we are prepared to respond to a cardiac arrest emergency.

Heart Attack

A heart attack occurs when blood flow to the heart is blocked. A blocked artery prevents oxygen-rich blood from reaching a section of the heart. If the blocked artery is not reopened quickly, the part of the heart normally nourished by that artery begins to die.

Symptoms of a heart attack may be immediate and may include **intense discomfort in the chest or other areas of the upper body, shortness of breath, cold sweats, and/or nausea/vomiting.** More often, though, symptoms start slowly and persist for hours, days or weeks before a heart attack. Unlike with cardiac arrest, **the heart usually does not stop beating during a heart attack.** The longer the person goes without treatment, the greater the damage.

Cardiac Arrest

Cardiac arrest occurs when the **heart** malfunctions and **stops beating** unexpectedly. Cardiac arrest is triggered by an electrical malfunction in the heart that causes an irregular heartbeat (arrhythmia). With its pumping action disrupted, the heart cannot pump blood to the brain, lungs, and other organs.

Seconds later, a person becomes **unresponsive, is not breathing or is only gasping.** Death occurs within minutes if the victim does not receive treatment.

Warning Signs and Emergency Treatment of Cardiac Arrest

- **Sudden loss of responsiveness** (no response to tapping on shoulders).
 - No response to tapping on shoulders.
 - Does nothing when you ask if he/she is OK.
- **No normal breathing**
 - Victim is not breathing or is only gasping.

If you suspect someone is suffering from cardiac arrest:

- **Tap and shout**
 - Check if the person responds. Tap person and shout, "Are you OK?" If he/she doesn't move, speak, blink, or otherwise react, then person is not responding.
- **Yell for help**
 - Tell someone to call 9-1-1 or your emergency response number and get an AED
 - If you are alone who has these signs of cardiac arrest, call 9-1-1 and get an AED
- **Check breathing:**
 - If the person isn't breathing or is only gasping, give **CPR.**
- **Give CPR: Push hard and fast**

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- Push down at least 2 inches at a rate of 100 to 120 pushes a minute in the center of the chest, allowing the chest to come back up to its normal position after each push.
- **Use an AED** as soon as it arrives by turning it on and following the prompt.
- **Keep pushing** until the person starts to breathe or move **OR** someone with more advanced training takes over.

Each site is provided at least one AED located in the health office. Each defibrillator is tested and maintained according to the manufacturer's operational guidelines and notification is provided to the appropriate emergency responders regarding the defibrillator, the type acquired, and its location.

Each AED unit is equipped with audio instructions for ease of use, as well as an easy to follow guide. Listen and follow the instructions the unit speaks aloud.

Where can I receive AED training?

While the AED unit is very simple to use, the American Heart Association (AHA) offers CPR and AED training through training centers. To locate a training center near you, call your nearest AHA office or 1-888-AHA-4CPR. You may also visit heart.org/CPR. Type in your ZIP code where requested on the home page to access information on training sites near you.

Exempt from Liability

Under subdivision (b) of Section 1714.21 of the Civil Code, as a non-emergency responder, you are not liable for civil damage resulting from acts or omissions in the rendering of emergency care by use of [the] AED. Any person or entity that acquires an AED is not liable for any civil damages resulting from any acts or omissions in the rendering of the emergency care.

Automated External Defibrillators (AED)

AED Steps

Automated external defibrillators can help save lives during sudden cardiac arrest. However, even after training, remembering the steps to use an AED the right way can be difficult. In order to help keep your skills sharp, watch the training video in the link below:

[Cardiac Science G5 Training Video](#)

All staff are required to identify the location of an AED at the site they are assigned to. For quick reference, enter the location below.

Your AED Location(s)	
1.	
2.	
3.	

Section III – Human Resources Information

CATEGORIES OF EMPLOYMENT

THE CERTIFICATED EMPLOYEE: Works in a position that requires a credential issued by the California Commission on Teacher Credentialing. Certificated positions include Classroom Teachers, Social Workers, Speech and Language Pathologists, Intervention Specialists, Nurses, Counselors, Psychologists, and Administrators.

There are several categories of certificated employment in the District:

- ◆ **Permanent** - A Certificated employee who has satisfactorily completed two years of Probationary status. Permanent status begins on the first workday of the third school year with the District.
- ◆ **Probationary** - A Certificated employee contracted for the school year in a position requiring certification qualifications who has not been classified as Permanent, Temporary, or as a Substitute.
- ◆ **Temporary** - A Certificated employee assigned temporarily whose funding is of a limited nature, or who is a replacement for a teacher or administrator on a board-approved leave.
- ◆ **Substitute** - An employee who replaces a teacher or administrator who is temporarily absent from duty.

CERTIFICATED WORK YEAR

The work year for all first year unit members will be 184 contractual days except as specified in Article X (of the SMEA Master Contract) with an additional 37 ½ hours of in-service training to be completed in the first two years of their employment. Eligibility for District provided benefits will commence on the 1st day of the succeeding month after the first day of service for new benefit eligible unit members. The work year for all unit members, other than first year employees, will be 184 contractual days except as specified in the SMEA Master Contract.

(SMEA Master Contract, Article VIII)

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STAFF DEVELOPMENT

“Staff Development” is viewed by the Governing Board as a continuous, systematic effort to improve educational programs in the District through staff involvement in organized program planning, implementation and evaluation efforts, and activities to upgrade the knowledge and ability of the total school staff.

In our rapidly changing society, teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change, and other topics related to education. The Governing Board recognizes that it shares with its Certificated staff, responsibility for the upgrading and updating of teacher’s performance and attitudes. The Governing Board supports the principle of continuing training of teachers and the improvement of instruction.

Special emphasis is made to better prepare teachers and other school personnel to meet the needs of students of diverse cultural and ethnic backgrounds. Planning and implementation of such programs is done cooperatively by administrators, teachers, and parent advisory groups.

Refer to Board Policy 4131 and Administrative Procedure 4131 for more information.

The District maintains a program of staff development for Classified employees which provides orientation for new employees and continuing in-service training. Rapidly changing work methods, new ideas and new equipment requires continuous updating of skills and knowledge if employees are to perform a quality service. This renewal of skills and knowledge may take place through continuing education of various types.

The District recognizes that such self-improvement necessitates the expenditure of a certain amount of effort and dedication on the part of the employee. The Classified Professional Growth Program was established to reward the employee for this effort and encourage development of employee skills to meet current and future needs of the District.

For additional information, refer to Board Policy 4231 and Administrative Procedure 4231.

PROFESSIONAL DEVELOPMENT (Certificated Employees): Certificated employees will be asked to notify the Human Resources and Development Department, in writing, by March 1 of each year, of their intentions to move to a different column on the salary schedule in the ensuing year, based on the completion of additional course work. This enables the District to accurately budget for salaries. Credit for salary purposes cannot be given for any course work taken without the prior written approval of the Professional Growth Committee. Units that will be applied for the

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current year salary schedule must be completed prior to the start of a school year. Official transcripts must be received in the Human Resources and Development Department no later than November 1. Refer to the Certificated bargaining unit contract for detailed information.

Essential Elements of Instruction for Newly Hired Teachers

This training for all newly hired teachers is designed to provide participants with an understanding of the District's instructional framework. The training includes direct instruction on the Essential Elements of Instruction, emphasizing ways of effectively applying these concepts in the classroom. The elements serve as principals upon whom instructional decisions are based regarding: 1) what to teach – the content; 2) how the students will learn and then demonstrate what they've learned; 3) what teacher actions will be needed to accomplish 1 and 2.

California Teacher Induction Program (CTI)

California Teacher Induction Program is designed to offer support for beginning teachers who have finished a credentialing program and who currently hold (or have applied for) a preliminary Multiple Subjects Credential, Preliminary Single Subject or a preliminary Education Specialist Credential. As outlined in SB 2042, CTI Induction is the main pathway to a Clear Credential.

Created by SB1422 in 1992, the CTI was established based on research gathered from the California New Teacher Project. This research identified the need to provide participation teachers with focused induction support that would be at a sufficient level of intensity to make a difference in the performance, retention, and satisfaction of the participating teachers.

THE CLASSIFIED EMPLOYEE: Most positions not requiring teaching or related credentials are termed "Classified."

Such positions are termed "Classified" because they are grouped according to the type of job duties and level of responsibility in order to establish job families and levels. Classified employees work in such diverse jobs as: Secretary, Custodian, Account Clerk, Health Aide, Library Media Technician, Maintenance Worker, Child Nutrition Services Worker, Instructional Aide, Bus Driver, Groundskeeper, and Typist Clerk.

There are several categories of Classified employment in the District:

- Permanent - An employee who has satisfactorily completed a one (1) year Probationary period.
- Probationary - An employee who is serving a Probationary period.

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- A Probationary employee can be released without cause during the first year if it is determined that the employee's continued employment is not in the best interest of the District.

THE OTHER EMPLOYEE:

School Crossing Guards are considered "District employees" rather than "Classified employees," and are not, in accordance with Education Code provisions, part of the Classified bargaining unit.

Short Term – An employee hired temporarily to perform a specific job, who, upon completion of the service will not be needed on a continuous basis.

Substitute - A person employed to replace any Classified employee who is temporarily absent from duty.

CLASSIFIED WORK HOURS/YEAR

The workday for employees shall be established and fixed by the District.

The workweek for full-time unit members shall be forty (40) hours, normally rendered in units of eight (8) hours per day, inclusive of any rest periods prescribed by the District. The workweek for part-time unit members shall be less than forty (40) hours, normally rendered in units of less than eight (8) hours per day. The workweek shall consist of five (5) consecutive work days for unit members rendering service averaging four (4) hours or more per day. The District retains the right to extend the regular workday of workweek, as it deems necessary.

Unit members working four (4) hours per day or more shall normally receive a fifteen (15) minute rest period for each consecutive four (4) hour period of service.

A non-compensated lunch period of not less than thirty (30) minutes shall be provided unit members who render service of at least six (6) consecutive hours. The lunch period may be assigned by the immediate supervisor. Effort will be made to schedule lunch periods near the middle of the unit member's work shift.

(CSEA Master Contract, Articles 5.1 – 5.4)

STATUS CHANGES

During a career with the District, an employee is likely to have one or more "status changes" such as transfer, leaves, promotions, etc. A personal situation may also change, (i.e. marriage, divorce, or children). When any personal changes occur, it is very important to notify Human Resources as soon as possible. This prevents any delays in processing the necessary paperwork, which may affect payroll activity or other aspects of employment.

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Here are some common changes and how to handle them:

<u>Item</u>	<u>Contact</u>
Name Change	Human Resources
Change of address/phone	Human Resources <u>and</u> Supervisor
Emergency notification	Human Resources <u>and</u> Supervisor
Beneficiary forms (PERS, STRS, Payroll, Ins.)	Human Resources/Benefits
Add/delete insurance dependents	Human Resources/Benefits
W-4/Direct Deposit	Human Resources/Payroll
Professional advancement	Human Resources/Payroll

PERSONNEL FILE

Every employee has a Personnel File maintained in Human Resources. This file contains pre-employment information, authorization for work, performance evaluations, and other information related to your employment.

You are permitted to inspect materials in your Personnel File upon making the appropriate request to Human Resources.

RESIGNATION

Ordinarily, an employee should submit a resignation at least two (2) weeks in advance in order to leave the District in good standing. More notice is optional (and appreciated) to allow for a smooth transition. The resignation should be submitted to your supervisor or Human Resources. A resignation form can be found on the San Marcos Unified School District website under Human Resources and Development.

EMPLOYEE RESPONSIBILITIES AND EXPECTATIONS

The District has a responsibility to assure that personnel administration includes the establishment of rules and policies for personal behavior and for conducting school business. Employees who fail to abide by established policies and procedures will be subject to corrective discipline up to and including discharge. These policies are mandated by California Education Code, Board Policies and Administrative Procedures, other California statutes, and negotiated labor agreements.

Because San Marcos Unified School District is a public employer, all individuals working in the District hold a public trust. Therefore, employees should avoid placing themselves in situations where they appear to be using a District position for personal gain. All employees are expected to treat the public, student and adults with "courtesy and care." This reflects our District's commitment to the community.

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Each employee has the obligation to observe and follow Board Policies and maintain proper standards of conduct. As an employee it is expected that you:

- Treat employees, students, parents, and community members with respect.
- Be prepared and professional
- Build positive and professional relationships

It is the belief of San Marcos Unified that everyone has the right to learn and work in a supportive, positive, and safe environment. It is the District's expectation that all employees maintain the highest ethical standards, follow District policies and procedures, and abide by state and federal laws. Employee conduct should enhance the integrity of the District and each employee should make a commitment to acquire and apply the knowledge and skills necessary to fulfill his/her professional responsibilities in advancing the goals of the District. Employee conduct that is rude, discourteous, condescending, or divisive is prohibited. In addition, conduct that is insubordinate, uncooperative with supervisors, and/or unsupportive of the District's goals and objectives is prohibited.

Employees are expected to maintain confidentiality. Be aware that divulging confidential information about students, District employees, or District operations to persons not authorized to receive that information is not permissible and should only be discussed when appropriate and with authorized personnel.

Each employee is encouraged to discuss questions, suggestions, and/or concerns with their immediate supervisor. Careful consideration will be given to each of these comments as part of the District's continual efforts to provide the highest quality educational opportunities for our students and this community.

Although typically the best initial resource for employee questions, suggestions, and/or concerns is the employee's immediate supervisor, an additional resource always available to employees is the District Office. If you need assistance in determining which District Office department or staff member is best equipped to assist you, please contact Human Resources for support in this area.

San Marcos Unified strives to provide a safe learning and working environment for students, employees, and community members and safety can only be achieved through teamwork. You must practice safety awareness by thinking defensively, anticipating unsafe situations, and reporting unsafe conditions immediately. The District provides all the safety equipment necessary to assist employees in the safe performance of their work related duties. It is your responsibility to use any safety equipment, clothing, or procedures on the job as you have been instructed. Report any emergency situations immediately. If you are injured or become sick at work, you must inform your immediate supervisor immediately.

EVALUATION PROCEDURES

Evaluation of staff is one of the District's most important responsibilities. Information on evaluation procedures may be found in both the SMEA and CSEA Master Contracts. In addition, Administrative Procedures provide for evaluation procedures for other employees.

ATTENDANCE/LEAVES

It is the expectation of the District that all employees maintain regular, reliable, and punctual attendance. Each department or school site has a call-in procedure to follow when illness or legitimate emergency situations occur that prevents an employee from reporting to work.

Employees who work in an instructional setting (teachers, instructional aides, and others for whom substitutes are provided) must use the following procedure for obtaining a substitute:

Log-in on Frontline Absence Management [Click Here](#) (located at www.aesonline.com or call 800-942-3767)

The notification shall be the 1st day of absence and the last day of absence.

It is highly recommended (and greatly appreciated) that the employee requests a substitute well in advance of the need, and at least the night before, in the case of an illness.

If a substitute is secured for an absence, it is required that the employee notify the supervisor in advance when the employee plans to return to work.

Employees shall provide, upon District request, additional verification of the use of Sick Leave provisions. When returning from a long term absence, it is recommended that the physician's statement be provided in advance so that the supervisor may consider accommodations needed for any physical limitations. Providing information to the supervisor as soon as possible will prevent unnecessary delays in the employees' return to work.

Certificated and Classified employees are eligible for various leaves as outlined in their respective bargaining unit Master Contracts. All employees are eligible for paid Sick Leave, Differential Sick Leave, Bereavement Leave, Jury Duty Leave, Family Care Leave, etc. Some employees are also eligible for paid Vacation leave depending on length of service.

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Refer to your bargaining unit Master Contract and/or Board Policy for detailed information and instructions.

NOTICE TO EMPLOYEES

FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA) CALIFORNIA FAMILY RIGHTS ACT FO 1993 (CFRA) PREGNANCY DISABILITY LEAVE ACT (PDLA)

Under the Family and Medical Leave Act Of 1993 (FMLA) and California Family Rights ACTS of 1993 (CFRA), if you have more than twelve (12) months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an **unpaid** family care or medical leave (FMLA/CFRA leave) up to 12 workweeks in a 12-month period.

Reasons for Taking Leave:

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

- ❖ The birth, adoption, or foster care placement of your child;
- ❖ Your own serious health condition; or
- ❖ The serious health condition of your child, parent or spouse.

At the District's or your option, certain kinds of *paid* leave may be substituted for unpaid leave.

Pregnancy Disability Leave:

Even if you are not eligible for FMLA/CFRA leave, if you are disabled by pregnancy, childbirth or related medical conditions, you are entitled to take a pregnancy leave of up to four (4) months, depending on your period(s) of disability. If you are CFRA-eligible, you have certain right to take both a pregnancy disability leave and a CFRA leave for reason of the birth of your child.

Advance Notice and Medical Certification

You may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- ❖ If possible, you must provide at least thirty (30) days advance notice for foreseeable events (such as the expected birth of a child or planned medical treatment for yourself or a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.
- ❖ We may require certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition or certification from the health care provider of your child, parent, or spouse who has a serious health condition before allowing

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you a leave to take care of that family member. We may require second and third opinions (at our expense) and a “fitness for duty” report to return to work.

- ❖ When medically necessary, leave may be taken on an intermittent or reduced work schedule. If you are taking leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks (with two exceptions) and you must conclude the leave within one year of the birth or placement for adoption of foster care.

Job Benefits and Protection

For the duration of the FMLA and /or CFRA, and /or pregnancy leave, the District must maintain your health coverage under any “group health plan”. You must continue to pay any required employee contribution for such coverage.

Upon return from FMLA, CFRA, and/or pregnancy disability, you must be restored to the same or equivalent position at the end of the leave, subject to any defense allowed by law.

Use of FMLA, CFRA, and/or pregnancy disability leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave. Taking FMLA, CFRA, and/or pregnancy disability leave may impact certain of your benefits and your seniority.

Unlawful Acts by Employers:

FMLA, CFRA, and PDLA make it unlawful for any employer to:

- ❖ Interfere with, restrict, or deny the exercise of any right provided under the FMLA, CFRA or PDLA.
- ❖ Discharge or discriminate against any person for opposing any practice made unlawful by FMLA, CFRA and/or PDLA or for involvement in any proceeding under or relating to FMLA, CFRA and/or PDLA.

Enforcement:

- ❖ The U.S. Department of Labor is authorized to investigate and resolve complaints of violations of FMLA.
- ❖ The California Department of Fair Employment and Housing is authorized to investigate and resolve complaints of violations of CFRA and PDLA.

FMLA, CFRA, and PDLA do not affect any Federal or State law prohibiting discrimination, or supersede any State, local law or collective bargaining agreement which provide greater family r medical leave rights.

For Additional Information:

Regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact the Human Resources Department.

If you are a:	HRD Staff Contact:	Direct Phone Number
Classified/Confidential Employees	LeAnna Warner	760-752-1246
Certificated Employees	Amber Christman	760-752-1244

Regarding your rights and the District's obligations, contact the nearest office to the Wage and Hour Division, listed in most telephone directories under the U.S. Government, Department of Labor, or the Department of Fair Employment and Housing, listing in most telephone directories under State Government.

BENEFITS

HEALTH AND WELFARE BENEFITS

The term "health and welfare" benefits covers employee medical insurance, dental coverage, life insurance, and vision care. Benefit levels and eligibility are governed by the provisions of the current Master Contract.

It is the responsibility of the employee to notify the Benefits Department **within 30 days** of any changes in dependent status. You are required to notify the Benefits department of the any of the following events, failure to do so may result in non-coverage of a dependent.

1. Birth
2. Marriage
3. Death
4. Divorce
5. Over-age Dependent

New enrollment/change forms must be completed in all of the above cases. In the case of divorce or over-age dependents, the District or Plan Administrator must offer the ex-spouse and/or former dependent the opportunity to purchase insurance coverage through **C.O.B.R.A.** For information and assistance with health and welfare benefits, contact the District's Benefits Analyst, Kitty Ross, at (760) 752-1241, kitty.ross@smusd.org.

OTHER BENEFITS

The Employee Assistance Program is available to all employees and their dependents who are experiencing difficulties such as emotional distress, financial worries, family problems, legal difficulties, alcohol or drug abuse, or any other problems affecting their well being and their job performance. The service is confidential and free of charge, and employees experiencing difficulty are encouraged to take advantage of this service by scheduling an appointment with the program's trained representative. After a pre-treatment assessment interview and a discussion of the problem and alternatives, the employee may be referred to a community resource that provides professional or medical assistance. For information and assistance with health and welfare benefits, contact the District's Benefits Analyst, Kitty Ross, at (760) 752- 1241, kitty.ross@smusd.org.

UNEMPLOYMENT INSURANCE - All District employees are covered by this program. For further information contact the Employment Development Department of the State of California.

A FINAL WORD

This handbook is intended to provide employees with basic information rather than the "final word" about the San Marcos Unified School District and their rights, benefits, and obligations as an employee. The rules and policies upon which this handbook is based are subject to change as revisions in the law, Governing Board Policies and Procedures, and employee contracts occur. Employees should consult their immediate supervisor or Human Resources with questions about information in this handbook.

The San Marcos Unified School District looks forward to a rich and mutually satisfying working relationship with you in our efforts to provide a quality education for every student.

If Human Resources is able to assist you as you complete your professional duties for the District, please don't hesitate to contact us and ask!



San Marcos Unified School District

INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)

Risk Management Director: Mareesa Evans, Director of Risk Management		
Address: 255 Pico Avenue, Suite 250, San Marcos, CA 92069		
Office: (760) 290-2360	Fax: (760) 752-1202	Email: mareesa.evans@smusd.org

Preface: APPROVALS AND AUTHORITY

Section 1: ASSIGNMENT OF RESPONSIBILITY

Section 2: HAZARD ASSESSMENT / INSPECTION

Section 3: ACCIDENT/EXPOSURE INVESTIGATIONS

Section 4: HAZARD CORRECTIONS

Section 5: COMMUNICATION WITH EMPLOYEES ABOUT SAFETY

Section 6: TRAINING AND INSTRUCTION

Section 7: EMPLOYEE COMPLIANCE

Section 8: RECORDKEEPING AND DOCUMENTATION

Appendix A: Site Safety Coordinator Listing

Attachment 1: Blood Borne Pathogen Exposure Control Plan

Attachment 2: Heat Illness Prevention Plan

Attachment 3: Hazard Communications Plan

Attachment 4: Fire Prevention Plan

Attachment 5: Lockout / Tagout Plan

Attachment 6: Sharps & Pharmaceutical Medical Waste Disposal Plan

Injury & Illness Prevention Program (IIPP)

The San Marcos Unified School District is committed to providing a safe and healthful workplace for all of its employees, students, and site visitors. To fulfill its obligation, the District has incorporated an Injury and Illness Prevention Program (IIPP). The intent of this program is to prevent or minimize the probability of injuries and illnesses to workers, students, and visitors, and to comply with applicable state, federal and local health and safety codes, standards and regulations.

The Injury and Illness Prevention Program is intended to standardize various safety programs and procedures into one effective uniform program and to ensure compliance with state and federal safety regulations.

The Program identifies the District's responsibilities and also defines responsibilities of the Program Coordinator, administrators, managers, supervisors and all other employees.

The components described in the District's IIPP are:

- Communication
- Identification & Evaluation of Workplace Hazards
- Corrections of Unsafe or Unhealthful Conditions
- Investigations of Occupational Injury, Illness or Exposure to Hazardous Substances
- Employee Training
- Record Keeping
- Plan Review

The District, its Board, and its management pledges support of this Program to ensure that it remains a viable method of protecting all employees and all other site occupants.

Preface: APPROVALS, AUTHORITY, AND PURPOSE

This Injury and Illness Prevention Program (IIPP) has been reviewed and is approved by the individuals who have signed below. This plan is effective as of July 1, 2022 and supersedes all previous editions. This plan will be updated on an annual basis.

Purpose of this Document:

San Marcos Unified School District (SMUSD) is committed to providing a safe and healthful environment for all staff, students, and parents. In pursuit of this endeavor, the SMUSD Injury and Illness Prevention Program has been implemented to eliminate or minimize exposure to potential hazards in accordance with California Code of Regulations (CCR) Title 8 Section 3203 and California Labor Code Section 6401.7

SECTION 1: ASSIGNMENT OF RESPONSIBILITY

(Title 8 California Code of Regulations §3203(a)(1))

The school district's lead Injury and Illness Prevention Program (IIPP) administrator is:

Mareesa Evans, CSR

Director, Risk Management

Office: 760-290-2360

Email: mareesa.evans@smusd.org

IIPP Administrator's Name, Job Title, and Contact Information

The school district's co-administrator for the IIPP is:

Susan Boynton

Supervisor, Risk Management

Email: susan.boynton@smusd.org

Co-Administrator's Name, Job Title, and Contact Information (address, phone numbers)

The responsibilities of our IIPP Administrator(s) include:

- Preparing and updating our district's IIPP
- Implementing the provisions in our IIPP
- Making sure each site has a copy of our IIPP
- Making sure hazards, injuries and accidents in each site are routinely investigated
- Taking action to mitigate identified hazards
- Establishing procedures for employee reporting of workplace hazards, accidents, injuries and general safety concerns

Each school in our district has been assigned a safety coordinator. The school-site safety coordinators are responsible for implementing and maintaining the IIPP at their school sites and for answering employee questions about the district's IIPP. A list of all the district's school-site safety coordinators who will implement and maintain the IIPP at their school sites is attached as Form A.

The responsibilities of our school-site safety coordinators include:

- Conducting routine safety inspections
- Participating in the mitigation of identified hazards
- Communicating with employees about safety
- Maintaining a physical copy of the IIPP at their site
- Posting safety information as instructed by the IIPP Administration

The responsibilities of all school employees include:

- Reporting unsafe conditions, work practices or accidents to their supervisors or the school site safety coordinator immediately.

- Following safe work practices.
- Using appropriate personal protective equipment as instructed by their supervisors.
- Keeping themselves informed by reading and abiding by all safety related instructions.
- This IIPP applies to all sites in our district.
- In addition to the IIPP, schools in our district may have school-specific employee safety plans.

SECTION 2: HAZARD ASSESSMENT / INSPECTION

(Title 8 CCR §3203(a)(4))

Periodic inspections to identify and evaluate hazards in our school's sites will be performed by one or more of the following individuals:

- School-site safety coordinators at their school sites.
- The district's IIPP administrator(s)
- Loss control consultants and/or vendors related to insurance services

Periodic inspections are always performed according to the following schedule:

- When the IIPP was initially established.¹
- Whenever new substances, processes, procedures or equipment which present potential new hazards are introduced into the workplace.¹
- Whenever new, previously unidentified hazards are recognized.¹
- Whenever occupational injuries and illnesses occur.¹
- Whenever workplace conditions warrant an inspection.¹
- When we hire and/or reassign permanent or intermittent employees to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.¹
- On an annual basis as provided by membership of the Southern California Regional Liability Excess Fund (ReLiEF)

SECTION 3: ACCIDENT/EXPOSURE INVESTIGATIONS

(Title 8 CCR §3203(a)(5))

Investigations of workplace accidents, hazardous substance exposures, and near accidents will be conducted by the Director of Risk Management, site administrators or designee, staff supervisors and/or Keenan & Associates Loss Control Services.

Our procedures for investigating workplace accidents and hazardous substance exposures include:

- Visiting the scene as soon as possible.
- Interviewing and gathering statements from injured employees and witnesses.
- Determining the cause of the accident/exposure.
- Examining the workplace and the incident for underlying causes associated with the accident/exposure.
- Taking corrective action to prevent the accident/exposure from reoccurring.

SECTION 4: HAZARD CORRECTION

(Title 8 CCR §3203(a)(6))

Unsafe or unhealthy work conditions, practices or procedures will be corrected in a timely manner based on the severity of the hazards. Hazards will be corrected according to the following procedures:

- When observed or discovered; and
- When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, we will remove all exposed employees from the area except those necessary to correct the existing condition. Employees who are required to correct the hazardous condition will be provided with the necessary protection and training.

SECTION 5: COMMUNICATION WITH EMPLOYEES ABOUT SAFETY

(Title 8 CCR §3203(a)(3))

All supervisors are responsible for communicating with their employees about occupational safety and health in a form readily understandable by all employees. Our communication system encourages all employees to inform supervisors about workplace hazards without fear of reprisal.

Our communication system includes all of the following items:

- New employee orientation including a discussion of safety and health policies and procedures.¹
- Follow-through by supervisors to ensure effectiveness.¹
- Worksite-specific health and safety training.¹
- Regularly scheduled safety meetings.¹ Our safety meetings are held at a minimum of one per month, or more frequently if deemed necessary.
- Effective communication of safety and health concerns between employees and supervisors.
- Posted or distributed safety information and specific prevention plans including but not limited to:
 - ❖ Blood Borne Pathogen Exposure Control Plan
 - ❖ Heat Illness Prevention Plan
 - ❖ Hazard Communication Plan
 - ❖ Fire Prevention Plan
 - ❖ Sharps/Pharmaceutical Medical Waste Disposal Plan
 - ❖ Chemical Hygiene Plan
- A system for employees to anonymously inform administration about workplace hazards. This system involves: direct contact information for the IIPP Administrator. Our safety meetings are held more frequently as deemed necessary by the creation of hazards or occurrence of injuries and illnesses.
- Other methods we use to ensure communication with and involvement of employees include: frequent safety postings at all employee lounge sites with contact information and invitation for anonymous reporting of safety concerns.

SECTION 6: TRAINING AND INSTRUCTION

(Title 8 CCR §3203(a)(7))

All employees, including supervisors, will have training and instruction on general and job-specific safety and

health practices. Training and instruction is provided according to the following schedule:

- When our IIPP was first established.
- To all new employees.
- To all employees given new job assignments for which training has not been previously provided.
- Whenever new substances, processes, procedures, or equipment are introduced to the school district and represent a new hazard.
- Whenever anyone is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- To all employees about the hazards specific to each employee's job assignment.

This training will include (but is not limited to):

- An explanation of our IIPP, emergency action plan, fire prevention plan, hazard communication plan, Heat Illness Plan, Bloodborne Pathogens Plan, measures for reporting any unsafe conditions, work practices, injuries and any additional instructions that are needed.
- The availability of toilets, hand-washing, and drinking water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Proper housekeeping, such as keeping stairways and aisles clear, keeping work areas neat and orderly, and promptly cleaning up spills.
- Prohibiting horseplay, scuffling, or other acts that adversely influence safety.

Proper storage to prevent:

- stacking goods in an unstable manner.
- storing materials and goods against doors, exits, extinguishing equipment and electrical panels.

Where applicable, our training may also include:

- The prevention of musculoskeletal disorders, including proper lifting techniques.
- The use of appropriate clothing, including gloves, footwear, and personal protective equipment.
- Information about chemical hazards to which employees could be exposed and other hazard communication program information.
- Proper food and beverage storage to prevent them from becoming contaminated.
- On any other topics listed in the **Hazard Correction** section of this plan,
- In addition, we provide specific instructions to all employees regarding hazards unique to their job assignment.

SECTION 7: EMPLOYEE COMPLIANCE WITH [SAFETY PROCEDURES](#)

(Title 8 CCR §3203(a)(2))

Management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. Supervisors and lead personnel are expected to enforce the rules equitably and uniformly. All district employees, including supervisors, are responsible for complying

with safe and healthful work practices. Our system of ensuring that all employees comply with these practices includes all of the following checked practices:

- Inform employees of the provisions of our IIPP.
- Evaluate the safety performance of all employees.
- Provide job related safety training to all employees
- Provide additional training to employees whose safety performance is deficient.

SECTION 8: RECORDKEEPING AND DOCUMENTATION

(Title 8 CCR 3203(b))

Although school districts are not required to keep records or documentation of an IIPP, except the written program itself, our school district maintains the following records to help us more efficiently and effectively implement our IIPP (optional):

- Records of scheduled and periodic inspections (to identify unsafe conditions and work practices, including the names of the person(s) conducting the inspection, the unsafe conditions and the work practices that have been identified, as well as the action(s) taken to correct the identified unsafe conditions and work practices. These records are maintained for at least one (1) year.
- Documentation of our health and safety training.

The master copy of this IIPP can be found at: the District Office in Risk Management

Other copies of the IIPP can be found at: The employee handbook, each district worksite, Keenan Safe Schools and the district web site under the risk management page.

Appendix/Form A: Site Safety Coordinators

The administrator of each school site is responsible for maintaining our district's Injury and Illness Prevention Program (IIPP) and communicating with employees about the IIPP at the sites. A site safety coordinator may be designated by the administrator to perform these functions.

SCHOOL SITE	SITE SAFETY COORDINATOR (SSC)	SSC CONTACT INFO
CARRILLO ELEMENTARY SCHOOL	Amanda Keeton	Amanda.Keeton@smusd.org
DISCOVERY ELEMENTARY SCHOOL	Heather Hartzell	Heather.Hartzell@smusd.org
JOLI ANN LEICHTAG ELEMENTARY SCHOOL	Linda Heinrich	Linda.Heinrich@smusd.org
KNOB HILL ELEMENTARY SCHOOL	Amy Sannella	Amy.Sannella@smusd.org
LA COSTA MEADOWS ELEMENTARY SCHOOL	Julie Morgan	Julie.Morgan@smusd.org
PALOMA ELEMENTARY SCHOOL	Nicole Lmoto	Nicole.Lmoto@smusd.org
RICHLAND ELEMENTARY SCHOOL	Julie Barbara	Julie.Barbara@smusd.org
SAN ELIJO ELEMENTARY SCHOOL	Mara.McLeod	Mara.McLeod@smusd.org
SAN MARCOS ELEMENTARY SCHOOL	Silvia Ventura-Jacobsen	Silvia.VenturaJacobson@smusd.org
TWIN OAKS ELEMENTARY SCHOOL	Carmen Madrigal	Carmen.Madrigal@smusd.org
DOUBLE PEAK SCHOOL (K-8)	Katie Buffum	Katie.Buffum@smusd.org
LA MIRADA ACADEMY (K-8)	Carisa Froelich	Carisa.Froelich@smusd.org
SAN ELIJO MIDDLE SCHOOL	Lisann Selph	Lisann.Selph@smusd.org

SAN MARCOS MIDDLE SCHOOL	Fernando Ramirez	Fernando.Ramirez@smusd.org
WOODLAND PARK MIDDLE SCHOOL	Daniel Smuts (interim) Assistant Principal TBD	Daniel.Smuts@smusd.org
MISSION HILLS HIGH SCHOOL	Nathan Baker	Nathan.Baker@smusd.org
SAN MARCOS HIGH SCHOOL	Ryan Gallego	Ryan.Gallego@smusd.org
TWIN OAKS HIGH SCHOOL	Claudia Hernandez	Claudia.Hernandez@smusd.org
FOOTHILLS HIGH SCHOOL		
ADULT TRANSITION PROGRAM	Peggy Zapata	Peggy.Zapata@smusd.org
DISTRICT OFFICE 255 Pico Ave.	Christine Frias Steve Baum Mareesa Evans	Christine.Frias@smusd.org Steve.Baum@smusd.org Mareesa.evans@smusd.org
TRANSPORTATION 215 Mata Way	Andrea Mancino	Andrea.Mancino@smusd.org
MAINTENANCE & OPERATIONS and INFORMATION TECHNOLOGY 215 Mata Way	Myra Lopez Amy Dent	Myra.Lopez@smusd.org Amy.Dent@smusd.org



San Marcos Unified School District **Bloodborne Pathogens Exposure Control Plan**

Risk Management Director: Mareesa Evans, Director of Risk Management		
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Office: (760) 290-2360	Fax: (760) 752-1202	Email: mareesa.evans@smusd.org

Section 1: PURPOSE

Section 2: ADMINISTRATIVE DUTIES

Section 3: EMPLOYEE EXPOSURE DETERMINATION

Section 4: METHODS OF IMPLEMENTATION AND CONTROL

Section 5: RECORDKEEPING

Section 6: SCHEDULE OF IMPLEMENTATION

APPENDIX- LINK TO CALIFORNIA CODE OF REGULATIONS, Title 8, Section 5193

SECTION 1: PURPOSE

San Marcos Unified School District (SMUSD) is committed to providing a safe and healthful work environment for all employees. The exposure control plan (ECP) is designed to prevent or minimize occupational exposure to bloodborne pathogens in accordance with OSHA standard 29 CFR 1910.1030, "Occupational Exposure to Bloodborne Pathogens," and Section 3203 of Title 8 of the California Code of Regulations.

The objective of the plan is to protect District employees from the health hazards associated with bloodborne pathogens and to provide the appropriate treatment and counseling should an employee be exposed.

The link to California Code of Regulations, Title 8, Section 5192 can be viewed at:
<https://www.dir.ca.gov/title8/5193.html>

This ECP includes:

- Determination of employee exposure;
- Implementation of various methods of exposure control, including:
 - Universal precautions
 - Engineering and work practice controls
 - Personal protective equipment (PPE)
 - Housekeeping
 - Hepatitis B vaccination
 - Exposure determination and post-exposure evaluation and follow-up
 - Communication of hazards to employees and training
 - Procedures for evaluating circumstances surrounding an exposure incident
 - Schedule of how and when the provisions of the BBP standard will be implemented.

SECTION 2: RESPONSIBILITIES

SMUSD is responsible for the implementation of the ECP.

All employees who have occupational exposure to blood or other potentially infectious materials (OPIM) must comply with the procedures and work practices outlined in this ECP.

SMUSD will maintain and provide all necessary personal protective equipment (PPE), engineering controls (e.g., sharps containers), labels, and bags as required by the standard. SMUSD will ensure that adequate supplies of the aforementioned equipment are available in the appropriate sizes.

SMUSD will be responsible for ensuring that all employees exposed to BBP will receive the medical action that is required and that appropriate employee health and OSHA records are maintained.

SMUSD will be responsible for training, documentation of training, and making the written ECP available to employees and CAL-OSHA representatives. SMUSD will maintain, review, and update the

ECP at least annually and whenever necessary to include new or modified tasks and procedures.

The review and update of such plans must also reflect changes in technology that eliminate or reduce exposure to blood borne pathogens and annually document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure. SMUSD nursing personnel shall review such devices and procedures as new knowledge becomes available.

SECTION 3: EMPLOYEE EXPOSURE DETERMINATIONS

(Made without regard as to use of personal protective equipment (PPE) and clothing)

Occupational Exposure – Means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.

Exposure Incident – Means a specific eye, mouth, other mucous membranes, membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that result from the performance of an employee’s duties.

Parenteral Contact – Means piercing mucous membranes or the skin barrier through such events as needle- stick, human bites, cuts and abrasions.

Job classifications in which all employees have been determined to have occupational exposure:

- Teacher of developmentally disabled
- Instructional Assistant with the developmentally disabled
- District Nurse
- Health Technician
- LVN – Licensed Vocational Nurse
- Custodian
- RSIA- Related Services Independence Aide (One on One)
- Speech therapist for children who require manipulation of the lips (saliva exposure)

Job classifications in which some employees may have occupational exposure:

- Principal
- Assistant Principal
- School Psychologist
- School Counselor
- Secretary
- Security
- Supervision Aide
- Any employee who provides first aid to a pupil or co-worker

Tasks and procedures or closely related tasks and procedures in which occupational exposure occurs:

- Working with the developmentally disabled who have high risk of hepatitis B carrier status (e.g., bites, feeding, diapering, etc.).

- Contact with saliva when the pupil is known hepatitis B carrier or high risk for hepatitis B (feeding, etc.).
- Contact with saliva when visibly contaminated with blood (e.g., bleeding gums, etc.).
- Working with menses, vaginal secretions, or semen (e.g., diapering).
- Any contact with blood (e.g., first aid, etc.).

SECTION 4: METHODS OF IMPLEMENTATION AND CONTROL

Universal Precautions– All human blood and certain human body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and any other blood borne pathogen.

A. All Employees Will Utilize Universal Precautions.

In case of an accident where there is blood, clean up any spilled blood immediately. Whenever possible this task should be performed by trained personnel using a universal spill kit. SMUSD has supplied universal spill kits to each school site lead custodian. These spill kits should be utilized in any significant spill containing potentially infectious body fluids. However, a freshly prepared solution of water (1 gallon) and household bleach (1/4 cup) is a very effective disinfectant and a good way to clean up spilled blood. Individuals cleaning up such spills should wear disposable gloves and wash their hands thoroughly and immediately with soap and water afterward.

Employees should wear gloves when the possibility of exposure to blood exists (handling blood-soaked towels, garments or sharp instruments, etc.) and wash hands with soap and water after removing the gloves.

Disposable sharp items, herein called sharps (blades, needles and sharp instruments) should be placed in puncture-proof containers located as close as practical to the area in which they are used. Needles should not be recapped or bent or broken. The containers should be disposed of in a manner consistent with local regulations on solid hazardous waste disposal.

When giving first aid care involving blood, or certain human body fluids, employees must always wear gloves. Bloody dressings should be disposed of in a plastic bag that is placed carefully into another plastic bag (double-bagging). Dispose of the gloves by turning the gloves inside out as they are removed. Wash hands with soap and water as soon as possible.

If blood is sprayed into an eye, irrigate the eye(s) with gently running warm water from the bridge of the nose outward.

B. Engineering, Work Practice Controls & Personal Protective Equipment (PPE)

Engineering and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are:

- Hand washing facilities or appropriate antiseptic hand cleanser shall be available to all employees.
- Employees shall be trained and required to comply with proper handwashing techniques.
- Personal protective equipment (PPE) shall be available in areas where exposure can be anticipated, which includes disposable gloves.
- Employees shall be trained and required to comply with the use of protective equipment.
- Sharps containers shall be provided for contaminated needles that are closable,

- puncture-resistant, leak proof on sides and bottoms, and labeled or color-coded appropriately.
- Needles are never to be recapped or bent.
- Gloves shall be worn when it can be reasonably anticipated that the employee may have contact with blood, other potentially infectious materials, mucous membranes, or non-intact skin.
- Disposable (single use) gloves shall not be washed or reused.
- Used personal protective equipment (PPE) shall be bagged and discarded.

SMUSD will evaluate the need for new procedures or new products by discussions at District job alike meetings with Human Resources or through the hazard communication process.

C. Housekeeping

Regulated waste is placed in containers that are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded (see Labels section), and closed prior to removal to prevent spillage or protrusion of contents during handling.

Contaminated sharps are discarded immediately or as soon as possible in containers that are closable, puncture-resistant, leak proof on sides and bottoms, and labeled or color-coded appropriately. Sharps disposal containers are available from District Nurses.

- Sharps disposal containers are inspected and maintained or replaced by District Nurses or Health Aides.
- Sharps disposal containers are closed and sealed and properly disposed of.
- Plastic bags shall be used to contain potentially infectious waste.
- Plastic bags shall be used for contaminated wet laundry.
- Bins and pails (e.g., wash or emesis basins) shall be cleaned and decontaminated as soon as feasible after visible contamination.
- Broken glassware that may be contaminated shall be picked up using mechanical means; such as a brush and dustpan.
- All equipment and environmental surfaces shall be decontaminated immediately after contact with blood or other potentially infectious material.

Administration shall ensure that the worksite is maintained in a clean and sanitary condition. Each site shall determine and implement an appropriate written schedule for cleaning and the correct method of decontamination based upon type of surface to be cleaned, type of soil present or procedure being performed in the area.

D. Labels

Sharps containers shall be marked with “Bio Hazard” labels.

E. Hepatitis B Vaccination

SMUSD will provide training to employees regarding Hepatitis B vaccinations addressing the safety, benefits, efficacy, methods of administration, and availability.

The Hepatitis B vaccination series is available at no cost to all at risk employees after training, and within 10 days of initial assignment to employees identified in the exposure determination section of this plan. Vaccination is encouraged unless:

- Documentation exists that the employee has previously received the series
- Antibody testing reveals that the employee is immune
- Medical evaluation shows that vaccination is contraindicated
- Employee declines and signs declination form

If an employee chooses to decline vaccination, then the employee must sign a declination form. Employees who decline may request and obtain the vaccination at a later date at no cost. Documentation of refusal of the vaccination is kept with vaccination forms.

Vaccinations will be provided by a licensed health care provider at a reasonable time and place according to current recommendations of the U.S. Public health Service and the new OSHA regulations.

F. Post-exposure Evaluation and Follow-Up

Exposure incidents can lead to infection from hepatitis B virus (HBV) or human immunodeficiency virus (HIV) which causes AIDS.

Reporting an exposure incident right away permits immediate medical follow-up. Early action is crucial. Immediate intervention can forestall the development of hepatitis B or enable the affected worker to track potential HIV infection. Prompt reporting also can help the worker avoid spreading bloodborne infection to others. Furthermore, it enables the employer to evaluate the circumstances surrounding the exposure incident to try to find ways to prevent such a situation from occurring again.

Reporting is also important because part of the follow-up includes testing the blood of the source individual to determine HBV and HIV infectivity if this is unknown and if permission for testing can be obtained.

Should an exposure incident occur, the affected employee must contact the supervisor and site secretary as soon as possible. Employees who experience an occupational exposure shall be referred to Risk Management for local occupational health care provider services.

An immediate confidential medical evaluation and follow-up will be conducted by referral to Workers' Compensation doctor. Following the initial first aid (clean the wound, flush eyes or other mucous membranes, etc.), the following activities will be performed:

- Hepatitis B vaccination shall be made available to any unvaccinated employee following an occupational exposure.
- All laboratory tests will be conducted by an accredited laboratory at no cost to the employee.
- There is no vaccine for HCV and post exposure prophylaxis with immune globulin I is not recommended.
- No post exposure prophylaxis regimens with anti-viral agents for HCV infections are currently recommended.

G. Administration of Post-Exposure Evaluation and Follow-up

The Workers' Compensation health care provider will:

- Provide the employee with a copy of the CAL-OSHA regulation section relating to post exposure.
- Advise the employee of the HBV vaccine status of employee and testing results of source, if available.
- Write an opinion that is limited to the fact that the employee has been informed of the results and about any medical condition requiring further evaluation or treatment.

The Workers' Compensation healthcare provider shall make available to the employee a copy of the evaluating health care professional's written opinion within 15 days after completion of the evaluation.

H. Procedures for Evaluating the Circumstances Surrounding an Exposure Incident

SMUSD District Nurse or Risk Management will review the circumstances of all exposure incidents to determine if any procedural revisions are needed.

If it is determined that revisions need to be made, the District Nurse or the Risk Management will ensure that appropriate changes are made to this ECP.

I. Employee Training

There is no vaccine to prevent certain bloodborne diseases such as HCV or HIV; therefore, training is the best defense to minimize the risks of workplace exposure to such potentially fatal illnesses.

All employees who have occupational exposure to bloodborne pathogens receive training conducted by SMUSD. All employees who have occupational exposure to bloodborne pathogens receive training on the epidemiology, symptoms, and transmission of bloodborne pathogen diseases.

Employees covered by the bloodborne pathogens standard receive an explanation of this ECP during their initial training session. All employees have an opportunity to review this plan at any time during their work shifts by contacting Risk Management. If requested, an employee will be provided with a copy of the ECP free of charge and within 15 days of the request.

SECTION 5: RECORDKEEPING

A. Training Records

Training sessions may include but are not limited to the following:

- Training dates
- Content or summary of the training
- Names and qualifications of Trainer(s)
- Names and job titles of trainees
- Topics covered

Training records shall be completed for each employee upon completion of their training. Contact Human Resources or Risk Management for the approved training that is available online for all employees on Keenan Safe Schools. Records of training will be kept for at least three years at the district office or at the school site with the principal or administrator.

B. Medical Records

Medical records are maintained for each employee with occupational exposure in accordance with 29 CFR 1910.1020, "Access to Employee Exposure and Medical Records."

SMUSD's third-party workers' compensation administrator is responsible for maintenance of the required medical records.

Employee medical records are provided upon request of the employee or to anyone having written consent of the employee within 15 working days. Such requests should be sent to the Risk Management Department.

Under the bloodborne pathogens standard, medical records also must include the following information:

- Employee's name and social security number
- Employee's Hepatitis B vaccination status including vaccination dates and any medical records related to the employee's ability to receive vaccinations
- Results of examination, medical testing and post-exposure evaluation and follow-up procedures
- Health care professional's written opinion and a copy of the information provided to the health care professional.

C. OSHA Recordkeeping

An exposure incident is evaluated to determine if the case meets OSHA's Recordkeeping Requirements (29 CFR 1904). This determination and the recording activities are done by Risk Management. If so determined, each occupational exposure shall be documented. *SMUSD is exempt as an educational institution from documenting in an OSHA 300 log and Summary of Occupational Injuries and Illnesses.*

D. Sharps Injury Log

Risk Management maintains data of all injuries including percutaneous injuries from contaminated sharps. The information in the injury log is recorded and maintained by Risk Management and the Workers' Compensation Third Party Administrator. This protects the confidentiality of the injured employee. In addition, a separate Sharps & Pharmaceutical Medical Waste Plan will be implemented and managed by SMUSD.

SECTION 6: SCHEDULE OF IMPLEMENTATION

Training, personal protective equipment (PPE), and housekeeping requirements are ongoing.

New devices or techniques for preventing the spread of communicable diseases at the worksite shall be ongoing and included in the annual review of the Exposure Control Plan. (See above)

Hepatitis B vaccine for at-risk employees shall begin upon employment or immediately if the employee becomes at-risk by an assignment change.

APPENDIX:The California Code of Regulations, Title 8, Section 5193 can be viewed at the following link: <https://www.dir.ca.gov/title8/5193.html>



San Marcos Unified School District Heat Illness Prevention Plan

Risk Management Director: Mareesa Evans, Director of Risk Management		
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INTRODUCTION

Section 1: OVERVIEW AND OBJECTIVES

Section 2: PROVISION OF WATER

Section 3: ACCESS TO SHADE

Section 4: PROCEDURES FOR RESPONDING TO HEAT ILLNESS

Section 5: TRAINING

Section 6: PROGRAM AUDIT

APPENDIX A – RECOGNIZING HEALTH RELATED ILLNESS

APPENDIX B – HYDRATION TECHNIQUES

**APPENDIX C- HEAT INDEX CHART BY NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION (NOAA)**

SECTION 1: OVERVIEW AND OBJECTIVES

Employees who work outdoors at any time when the environmental risk factors for heat illness are present must protect themselves appropriately to minimize heat-related illnesses. The objective of this program is to increase employee awareness regarding heat illness symptoms, ways to prevent illness, and what to do if symptoms occur.

This written program is based on the **California Code of Regulations, Title 8, and Section 3395**. The code can be viewed in its entirety at the following link:

<https://www.dir.ca.gov/title8/3395.html>

SCOPE

The San Marcos Unified School District Heat Illness Prevention Program applies to the control of risk of occurrence of heat illness and applies to all outdoor places of employment at those times when the environmental risk factors for heat illness are present.

POLICY

It is the practice of San Marcos Unified School District that any employee participating in job tasks when environmental risk factors for heat illness are present will comply with the procedures in this document and in the Injury and Illness Prevention Program.

PURPOSE

To ensure that all employees on San Marcos Unified School District campuses and worksites are protected from heat illness while working on job tasks where environmental risk factors for heat illness are present and to establish the minimum requirements for working in this environment.

DEFINITIONS

The term “**acclimatization**” means temporary adaptation of the body to work in the heat that occurs gradually when a person is exposed to it. Acclimatization peaks in most people within four to fourteen days of regular work for about two hours per day in the heat.

“**Environmental risk factors for heat illness**” means working conditions that create the possibility that heat illness could occur, including air temperature, relative humidity, radiant heat from the sun and other sources, conductive heat sources such as the ground, air movement, workload severity and duration, protective clothing and personal protective equipment (PPE) worn by employees.

The term “**heat illness**” means a serious medical condition resulting from the body’s inability to cope with a particular heat load, and includes heat cramps, heat exhaustion, heat syncope, and heatstroke.

“**Personal risk factors for heat illness**” means factors such as an individual’s age, degree of acclimatization, health, water consumption, alcohol consumption, caffeine consumption, and use of prescription medications that affect the body’s water retention or other physiological responses to heat.

“**Preventative recovery period**” means a period of time to recover from the heat in order to prevent heat illness.

The term “**shade**” means blockage of direct sunlight. Canopies, umbrellas, and other temporary or permanent structures or devices may be used to provide shade. One indicator that blockage is sufficient

is when objects do not cast a shadow in the area of blocked sunlight. Shade is not adequate when heat in the area of shade defeats the purpose of shade, which is to allow the body to cool. For example, a car sitting in the sun does not provide acceptable shade to a person inside it, unless the car is running with air conditioning.

SECTION 2: PROVISION OF WATER

Water is a key preventive measure to minimize the risk of heat-related illnesses.

Labor Code 3395 (c) Employees shall have access to potable drinking water meeting the requirements of **Sections 1524, 3363, and 3457** as applicable. Where the supply of water is not plumbed or otherwise continuously supplied, water shall be provided in sufficient quantity at the beginning of the work shift to provide one quart per employee per hour for drinking for the entire shift. Employers may begin the shift with smaller quantities of water if they have effective procedures for replenishment during the shift as needed to allow employees to drink one quart or more per hour. The frequent drinking of water, as described in 3395 (e), shall be encouraged.

To ensure access to sufficient quantities of potable drinking water, the following steps will be taken:

- Provide at least 2 quarts per employee at the start of the shift. Employees are encouraged and allowed to replace low levels or dirty water.
- Water levels should not fall below the point that will allow for adequate water during the time necessary to effect replenishment.
- Disposable/single use drinking cups will be provided to employees, or provisions will be made to issue employees their own cups each day.
- **To encourage frequent drinking of potable water, the following steps will be taken:**
- Supervisor will provide reminders to employees to drink frequently and water breaks will be provided when needed.
- Employees typically subject to high heat conditions shall receive training on the importance of frequent drinking of water.
- Place water containers as close as possible to the workers.

SECTION 3: ACCESS TO SHADE

Access to rest and shade or other cooling measures are important preventive steps to minimize the risk of heat-related illnesses.

Labor Code 3395 (d) Employees suffering from heat illness or believing a preventative recovery period is needed shall be provided access to an area with shade. The shade should either be open to the air or provided with ventilation for cooling for a period of no less than five minutes. Such access to shade shall be permitted at all times. Except for employers in the agriculture industry, cooling measures other than shade (e.g., use of misting machines) may be provided in lieu of shade if the employer can demonstrate that these measures are at least as effective as shade in allowing employees to cool.

To ensure access to shade at all times, the following steps will be taken: When employees will be working further than a 2½ minute walk from a building, tree, or shade structure for a period of time sufficient to succumb to heat illness, they shall be supplied with a portable shade device (e.g., umbrella, “easy-up”, or the like).

- Employees have access to offices, school buildings, or other buildings with air conditioning.

- We are a non-agricultural employer and our alternative cooling measures are:
- Automobiles with functioning air conditioning

To ensure that employees have access to a preventative recovery period, the following steps will be taken:

- Supervisor will provide printed and/or verbal reminders to employees to seek at least a five-minute break in the shade.
- Employees typically subject to high heat conditions shall receive training on the importance of seeking rest in the shade.
- Supervisor will provide reminders for staff when heat warnings are in place and supply the heat Index number in relation to Appendix A when Heat Index is considered “Danger” or above.

SECTION 4: WRITTEN PROCEDURES FOR RESPONDING TO HEAT ILLNESS

To reduce the risk of heat-related illness (HI) and respond to possible symptoms of HI, the following steps will be taken:

- All employees subject to high heat working conditions will be trained prior to working outdoors.
- Working hours will be modified to work during the cooler hours of the day, when possible.
- When a modified or shorter work-shift is not feasible, adequate water and rest breaks will be provided.
- Supervisors will stay alert to the presence of heat-related symptoms.
- Supervisors will be trained to identify the symptoms of HI

To ensure that emergency medical services are provided without delay, the following steps will be taken:

- Supervisors will carry cell phones or other means of communication, to ensure that emergency services can be called.

We are an employer with fixed locations, and as such shall provide access to employees to site communication devices (e.g., phones and/or radios) for use in summoning emergency medical services.

SECTION 5 : TRAINING

Labor Code 3395 (e)(1) Employee training: training in the following topics shall be provided to all employees subject to high heat working conditions:

- The environmental and personal risk factors for heat illness
- The importance of frequent consumption of small quantities of water, up to 4 cups per hour, when the work environment is hot and the employees are likely to be sweating more than usual in the performance of their duties
- The importance of acclimatization
- The different types of heat illness and the common signs and symptoms of heat illness
- The importance to employees of immediately reporting to the employer, directly or through the employee’s supervisor, symptoms or signs of heat illness in themselves, or in co-workers

- The employer's procedures for responding to symptoms of possible heat illness, including how emergency medical services will be provided should they become necessary
- The employer's procedures for contacting emergency medical services, and if necessary, for transporting employees to a point where they can be reached by an emergency medical service provider
- The employer's procedures for ensuring that, in the event of an emergency, clear and precise directions to the work site can and will be provided as needed to emergency responders

Note: T8 CCR 3203 (a)(3) requires that communication for employees shall be in a form readily understandable by all affected employees

Labor Code 3395 (e)(2) Supervisor training: prior to assignment to supervision of employees working in the heat, training on the following topics shall be provided:

- The information required to be provided by section (e)(1) above
- The procedures the supervisor is to follow to implement the applicable provisions in this section.
- The procedures the supervisor is to follow when an employee exhibits symptoms consistent with possible heat illness, including emergency response procedures.

To ensure employees are trained, the following steps will be taken:

- All employees subject to high heat working conditions will receive heat illness prevention training.
- All newly hired workers will be assigned a buddy or experienced coworker to ensure that they understood the training and follow the company procedures.
- Primary (Farm Labor Contractors, staffing companies, etc) and secondary employers will ensure that all employees (including temporary) working outdoors are trained in heat illness prevention.

To ensure supervisors are provided training, the following steps will be taken:

- All supervisors with employees subject to high heat working conditions will receive heat illness prevention training.

SECTION 6: PROGRAM AUDITS RESPONSIBILITY

Audits of the Heat Illness Prevention Program shall be performed by Maintenance & Operations Departments or Risk Management Department.

FREQUENCY

Audits of the Heat Illness Prevention Program shall be performed annually.

CONTENTS

The audit shall review the program to ensure that heat illness prevention procedures are in place and are being properly followed.

RECORDS

All training, audit, and other records prepared in association with the Heat Illness Prevention Program shall be managed in accordance with the requirements of the San Marcos Unified School District Injury and Illness Prevention Program.

APPENDIX A – RECOGNIZING HEALTH RELATED ILLNESS

Emergency Services Contact Procedures

When an employee has been impacted with a heat related illness, or any emergency medical condition, San Marcos Unified School District has the following process in place:

- When an employee appears to be suffering from a heat-related illness, contact 9-1-1 immediately. Use a public telephone, an available campus telephone, a campus cellular telephone, a private cellular telephone, or a site's emergency radio.
- If the affected employee is able to walk, get them out of the sun, begin active cooling, and advise emergency services of the victim's location on campus. Be as precise as possible. If the dispatcher requests that the employee be moved to a campus location that is easier for emergency services (Police and Fire/EMS responders) to access, advise the dispatcher if you think that can be done without further injury.
- If the victim cannot be relocated, provide emergency services with the precise campus location. If other employees or campus occupants are available, then direct them to the nearest campus street to assist in directing emergency services to the victim.

Types of Heat-Related Illness

- Heat Cramps – are painful muscle spasms that usually occur in the legs (hamstrings) and abdomen. Heat cramps are treatable and are the least severe form of heat-related illness.
- Heat Exhaustion (heat syncope) – is an early indicator that the body's cooling system is becoming overwhelmed. Signals of heat exhaustion include:
 - Cool, moist, pale, ashen or flushed skin.
 - Headache, nausea, dizziness.
 - Weakness, exhaustion
 - Heavy sweating (a capstone sign)
- Heat Stroke – is a profound medical emergency. Heatstroke occurs when the body's systems are overwhelmed by heat and stop functioning. Heatstroke is a life-threatening condition and requires professional emergency medical intervention. Signals of heat stroke include:
 - Red, hot, dry skin
 - Changes in the level of consciousness (LOC)
 - Vomiting

First Aid Care for Victims of Heat-Related Illness

For employees suffering from heat cramps or heat exhaustion:

- Move the employee out of the sun, to a cool shaded place.
- Loosen tight or restrictive clothing, and remove any personal protective equipment over garments.
- Remove perspiration-soaked clothing.
- Apply cool, wet towels to the skin
- Fan the employee gently
- If the person is conscious, provide small sips of cool water (**not a sports drink**)
 - For employees suffering from heatstroke:
-
- Call 9-1-1. This is a profound medical emergency, and cannot be successfully treated in the field.

Immediate and decisive action is required.

- Advise your supervisor of the situation.
- Ensure that accurate directions are provided to emergency services so medical assistance is not delayed.
- Move the employee to a place out of the sun, or provide shade for them.
- Loosen tight clothing, and begin active cooling methods (active fanning, pouring cool water over the body core, placing ice packs in the armpits, behind the neck, and in the groin).
- Place the employee on their back (supine position) and gently roll them onto their side, with their airway (mouth) pointed down toward the ground in the recovery (Haines) position. **Maintain an open airway.**
- Continue to cool the person by using ice or cold packs on the employee's wrists, ankles, groin, neck, and armpits.
- Remain with the employee until medical assistance arrives, and provide assistance to responders as needed.

APPENDIX B- HYDRATION TECHNIQUES

For most employees who are well acclimated to exterior conditions in the work environment, proper hydration is a simple matter of drinking sufficient potable water prior to exposure to heat, and at least one quart per hour of cool potable water during the work involving exposure to high heat. **Drink before you get thirsty.** If you are working in high heat conditions, and become thirsty, you cannot replace the fluid loss you have sustained orally.

To re-state what Cal/OSHA recommends, an employee should consume up to four (4) cups per hour of cool, potable water during work in high heat conditions.

Preventing heat-related illness in employees is preferable to responding to a victim of heat illness. It is very important to “pre-hydrate” prior to beginning work in a high heat environment. If possible, employees should consume at least one bottle of water, or 2 cups, before beginning work in a high heat environment.

The Cal/OSHA standard requires employers to provide potable, “cool” water for employees, either via drinking fountains or insulated water coolers. For reference, public drinking fountains that are not electrically refrigerated provide water at between 75° F and 76° F. If supervisors choose to supply drinking water out of insulated water coolers, the contents need to be kept at that relative temperature. Additionally, if a water cooler is provided, it must be sanitary and have a valve for dispensing the water into individual cups or disposable cups.

The use of **salt pills** or **electrolyte replacement “sports” drinks** is not recommended for normal hydration and fluid replacement. Water is the preferred fluid. Do not over-hydrate, or try to consume more than the recommended amount and rate. Water intoxication can occur. **Water Intoxication** is when there is so much water ingested that electrolyte balance is disturbed, which can lead to heart arrhythmias and other circulation problems.

In summary, anticipate high heat conditions, ensure that heat illness risk factors are eliminated or controlled, pre-hydrate before beginning work in high heat and humidity, and consume at least four (4) cups of water per hour during work in high heat. Know the signs and symptoms of heat-related illness. Keep an eye on co-workers, and respond quickly when you see signs of heat-related illness in others.

Appendix C

NOAA Heat Index Chart <http://www.nws.noaa.gov/om/heat/heat-images/heatindexchart.png>

NOAA's National Weather Service

Heat Index

Temperature (°F)

	80	82	84	86	88	90	92	94	96	98	100	102	104	106	108	110
40	80	81	83	85	88	91	94	97	101	105	109	114	119	124	130	136
45	80	82	84	87	89	93	96	100	104	109	114	119	124	130	137	
50	81	83	85	88	91	95	99	103	108	113	118	124	131	137		
55	81	84	86	89	93	97	101	106	112	117	124	130	137			
60	82	84	88	91	95	100	105	110	116	123	129	137				
65	82	85	89	93	98	103	108	114	121	128	136					
70	83	86	90	95	100	105	112	119	126	134						
75	84	88	92	97	103	109	116	124	132							
80	84	89	94	100	106	113	121	129								
85	85	90	96	102	110	117	126	135								
90	86	91	98	105	113	122	131									
95	86	93	100	108	117	127										
100	87	95	103	112	121	132										

Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity

 Caution

 Extreme Caution

 Danger

 Extreme Danger

San Marcos Unified School District Hazard Communication Plan

Risk Management Director: Mareesa Evans, Director of Risk Management		
Address: 255 Pico Avenue, Suite 250, San Marcos, CA 92069		
Office: (760) 290-2360	Fax: (760) 752-1202	Email: mareesa.evans@smusd.org

Section 1:	INTRODUCTION, BACKGROUND, and PROGRAM COORDINATOR
Section 2:	EMPLOYEE INFORMATION AND TRAINING
Section 3:	LABELS AND OTHER FORMS OF WARNINGS
Section 4:	TOXICITY AND EXPOSURE
Section 5:	HAZARDOUS SUBSTANCE MATERIAL INVENTORY
Section 6:	PERSONAL PROTECTIVE EQUIPMENT
Section 7:	PURCHASING HAZARDOUS SUBSTANCES
Section 8:	HANDLING AND STORAGE OF HAZARDOUS SUBSTANCES
Section 9:	DISPOSAL PROCEDURES, NON-ROUTINE TASKS, OUTSIDE CONTRACTORS
Section 10:	NON-ROUTINE TASKS
Section 11:	OUTSIDE CONTRACTORS
Appendix A	Glossary
Appendix B	Sections of the Safety Data Sheet (SDS)
Appendix C	General Guidelines for Storing Chemicals

SECTION 1: INTRODUCTION

This program has been developed for employees who use or may be exposed to hazardous substances at work. It is aimed at giving them the necessary information and tools to safely work with, and around those substances. The Hazard Communication regulations require that manufacturers and suppliers prepare particular information about their products, and provide that information to any purchaser (user) of those products. These regulations apply to any hazardous substance known to be present in the workplace to which employees may be exposed under normal working conditions or in a reasonably foreseeable emergency.

A copy of the written Hazard Communication Program can be found at each school site within the IIPP binder in one of two places: the OSHA compliance binder at the front desk, or posted on the District's web page under Risk Management. All staff has availability to access the IIPP on the District website or will be made available to all employees upon request. In addition, the IIPP plan in its entirety is located in the annual employee handbook.

These plans, in addition to the employee training program, are important tools in providing information concerning hazardous substances used at the school and district sites. Training will be presented to all new employees when they attend the New Employee Orientation and/or by their supervisor/administrator and/or through Keenan Safe School online training and/or Risk Director. If you have further questions concerning Hazard Communication, please contact your supervisor, administrator, or the Risk Director.

REGULATORY BACKGROUND

The hazard communication regulation was established to ensure that the hazards associated with substances used in the workplace were identified, and that the information was communicated to all affected employees through a comprehensive Hazard Communication Program (HCP). The regulations that outline this requirement can be found in:

1. California Code of Regulations (CCR), Title 8, Division 1, Chapter 4, Section 5194 (General Industry Safety Orders);
2. State of California - Labor Code (Sections 6360-6399.7);
3. Code of Federal Regulations (CFR) Title 29, Section 1910.1200.

PROGRAM COORDINATOR

The District designates the Maintenance & Operations department in conjunction with the Risk Management Department as the Program Coordinators, who shall be responsible for ensuring that the use, storage, and disposal of hazardous substances is completed in accordance with the guidelines set forth in this document and the local Certified Unified Program Agency (CUPA).

SECTION 2: EMPLOYEE INFORMATION AND TRAINING

All employees are required to attend training on Hazard Communication regulations. Training is required of new employees prior to their commencing work with hazardous substances, or for any employee when a new hazardous substance is introduced or discovered in the workplace. Training for employees shall consist of at least the following:

- Informing employees of the requirements in this program, and the location of the written Hazard Communication Program. (For locations, see Section I: Introduction).
- Informing employees of any operations at their site where hazardous substances are present.
- Training employees on the methods and observations that may be used to detect the presence or release of hazardous substances in the work area (such as inspections of the work areas, continuous monitoring devices, visual appearance, or odor of hazardous substances when released, etc.).
- Informing employees of the physical and health hazards of the substances in the work area, and the measures they can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous substances, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.
- Informing employees of the container labeling system, Safety Data Sheets (SDS), and how employees can obtain and use the appropriate hazard information.
- Informing employees of the following rights:
 - The right to personally receive information regarding hazardous substances to which they may be exposed, according to the provisions of this section;
 - The right against discharge or other discrimination due to the employee's exercise of the rights afforded pursuant to the provisions of the Hazardous Substances Information and Training Act.
- Whenever the employer receives new or revised information related to hazardous substances in the workplace, the information will be provided to the employees. If the new information indicates significantly increased risks to employees, or additional measures necessary to protect employee health, the Program Coordinator shall review the substances to ensure they are appropriate and necessary for conducting work.
- Employees will be informed that they are required to comply with all safety rules and regulations implemented for the purchase, storage, handling, use, and disposal of hazardous substances or waste. Employees shall be informed that failure to comply with these rules and regulations may result in disciplinary action in accordance with the District's practice and policy.

SECTION 3: LABELS AND OTHER FORMS OF WARNINGS

Any container in the workplace that holds a hazardous substance is required to have a proper identification label. Any container into which a hazardous substance has been transferred from a properly labeled container must also bear the appropriate label. Employees should not use substances from unlabeled containers.

A label on any container received from the manufacturer or supplier must include, at least, the following information:

- Name of the product/substance.
- A list of the hazardous ingredients.

- The appropriate hazard warning(s) (flammable, toxic, corrosive, or oxidizer).
- Manufacturer's or supplier's name and address.
- Manufacturer's phone/contact information.

If a substance is transferred from its original container to another container (secondary container), a label must be affixed to that new container. The new label must contain at least the following information:

- Name of the product/substance.
- The appropriate hazard warning(s) (flammable, toxic, corrosive, or oxidizer).
- Manufacturer's or supplier's name and address.
- Manufacturer's phone/contact information.

Supervisors, Administrators, Department Chairpersons, and Science teachers are responsible for ensuring that the containers in their work area remain properly labeled and that the employees understand the labels.

SECTION 4: TOXICITY AND EXPOSURE

Toxic substances or chemicals are considered toxic if they can cause either short-term (acute) or long-term (chronic) health effects. A toxic substance is a health hazard only when it has entered the body; however, there is no substance or chemical that is completely non-toxic.

Toxicity is dependent on several factors, including route of entry, degree of exposure, length of exposure, concentration of chemical, and a person's susceptibility. Toxicity is also affected by human factors such as age, diet, heredity, lifestyle, and exposure to other chemicals. The entry point of a toxic substance is commonly referred to as the "route of entry." Because no substance has the same route of entry, it is important for employees to review the SDS to become aware of the entry routes for the chemicals they may be working with. Exposure to toxic substances may occur through the following four routes:

- **Absorption-** This is the most common of the four routes of entry. Absorption takes place as the chemical comes in contact with the skin and destroys some of the protective outer layer, thus allowing the toxic chemical to come in contact with the inner tissues and possibly the bloodstream.
- **Inhalation-** Toxic substances can create dust, fumes, mists, vapors, and smoke that can become airborne and affect the air being inhaled. The toxic substance is thus allowed to enter the respiratory tract through the nose and mouth and move downward through the windpipe and into the lungs.
- **Ingestion** - A toxic material when ingested is absorbed through the stomach and intestines into the bloodstream. The bloodstream may carry the toxic substance to the liver, which may or may not be able to detoxify all of the toxic materials. Liver cells may be destroyed.
- **Injection-** Exposure to toxic chemicals by injection occurs very seldom. However, injection can occur as the result of puncturing the skin with glass, metals, or other materials that are contaminated by toxic substances, or when syringes contain toxic substances.
- Exposure to toxic substances are the result of many factors, including:
- Lack of qualified personnel
- Insufficient training

- Not following safety procedures
- Not using proper personal protection equipment
- Failure or misuse of personal protection equipment
- Failure to decontaminate after a spill or splash

The concentration of the toxic substance is based on the dose a person receives over a specific time. The effect of a substance is a result of the dose received and the toxicity of the substance. The concentration and effect of toxic substances has prompted OSHA to issue and enforce Permissible Exposure Limits (PEL). In addition, the American Conference of Governmental Industrial Hygienists (ACGIH) also produces a list of what they refer to as Threshold Limit Values (TLVs) for common chemicals used in the workplace. These TLVs are meant as guides to ensure that employees are not exposed to a toxic substance more than is necessary.

SECTION 5: HAZARDOUS SUBSTANCE MATERIAL INVENTORY

An inventory of the hazardous substances and chemicals known to be used at each district-owned location site can be found in the Safety Data Sheet (SDS) binder located at the front desk of each school site and District location. This information can also be accessed on the Risk Management website, M&O, and in each space in which chemicals are stored, in the employee lounge or workroom, Maintenance and Operations, and online on San Marcos Unified School District's website under Risk Management. The current Hazard Communication Inventory list can also be viewed on the District's web page under Risk Management.

Specific chemical or hazardous substance information is contained in the Safety Data Sheet (SDS). Supervisors, administrators, and department leads will ensure that employees are aware of the location of the SDS binder and of any new or updated SDSs received by their department/school site. The supervisor, administrator, and department leads will review any new or updated SDSs with affected employees when they are received.

Electronic SDS folders for all San Marcos Unified School District sites are also available and can be accessed through **Keenan SafeSchools**, an internet-based tool for viewing SDS. This is for keeping track of chemical inventories and for adding SDS when a new chemical or product is purchased or is brought on to a San Marcos USD school or district location. To access the electronic SDS files go to the Risk Management Webpage.

Please ask your site administrator or email Risk Management at mareesa.evans@smusd.org if you cannot locate the SDS for a specific chemical or product, or if a SDS needs to be added because a new chemical or product has been purchased.

SECTION 6: PERSONAL PROTECTIVE EQUIPMENT

Employees using hazardous substances should review the respective SDSs for information on required personal protective equipment (PPE) and precautions that should be taken to ensure against exposure, injury or illness. Employees should not work with or use hazardous substances for prolonged or repeated periods unless the proper precautions have been taken to keep exposures to safe levels.

It is extremely important that supervisors, administrators, and department leads instruct all employees in their area to follow the manufacturer's guidelines regarding a chemical's use and its required ventilation. The use of laboratory fume hoods may be an essential part of the curriculum or prep work conducted within the department. All fume hoods must be inspected by a qualified person at least once per year to ensure that it meets the standards and ventilation requirements set forth by the manufacturer. The posting of the inspection tag on each hood indicates it is in good working order as outlined above. If the hood requires repair, it shall be taken out of service and a sign will be posted.

SECTION 7: PURCHASING HAZARDOUS SUBSTANCES

An effectively managed hazardous materials program begins with the appropriate purchasing controls. Because disposal of hazardous substances is becoming increasingly costly, substances used by all departments and school sites should only be purchased in quantities necessary to do a job. The purchaser, in conjunction with the Purchasing Department, gets the SDS from each new product that is ordered/delivered.

If at any time a substance containing an extremely hazardous or acutely toxic substance (as defined in the California Code of Regulations and the Federal Code of Regulations) is requested to be purchased, the Purchasing Dept. will forward the request over to Risk Management to get the okay that the product is needed. If it is determined that all of the safety rules for its use can be met, the substance may be purchased. If subsequent findings determine the substance is not being used according to the rules set, the privilege to use it will be immediately revoked. The quantity to be purchased for this type of special request will be no more than what can be used during one school year.

SECTION 8: HANDLING AND STORAGE OF HAZARDOUS SUBSTANCES

Each hazardous substance should be handled, used, and stored in accordance with the information provided by the manufacturer through its container labels, SDSs, and other standards of practice. Hazardous substances should be handled only with proper protective equipment and only under the proper conditions. Carcinogens, radioactive materials, and biological materials shall not be used within the District. The proper storage of hazardous substances is as important as their proper handling. Inadequate storage space can result in overcrowding and the storage of incompatible chemicals. Shelf-stored hazardous substances should be visually checked on a regular basis by the department lead (or designee). This visual inspection will help identify those substances that may be leaking, have corroded caps, or have developed other problems which indicate that they should be immediately disposed of in a safe manner. Storage shelves and cabinets should have sufficient lips, edges, or restraints to prevent bottles or other containers of hazardous substances from falling.

SECTION 9: DISPOSAL PROCEDURES

The proper disposal of hazardous substances is the responsibility of all employees. Hazardous substances must **not** be disposed of in the sanitary sewer system (e.g., sink). Once a hazardous substance is determined to no longer be useful to the site or department staff, it shall require proper disposal.

The employee shall notify Maintenance and Operations that such removal is necessary.

Hazardous waste, if so designated shall be removed under contract with a licensed company. Maintaining

all documentation and manifests created for any such removal is the responsibility of Risk Management and Maintenance & Operations who should receive all original documents and keep them on file.

SECTION 10: NON-ROUTINE TASKS

Department supervisors, administrators, and department leads shall determine if their employees might be involved in non-routine tasks. These tasks will be identified when assigned and additional training regarding health and safety shall be conducted prior to the beginning of the task.

SECTION 11: OUTSIDE CONTRACTORS

To ensure that outside contractors and their personnel work safely within the District, the Purchasing Department will include any known hazardous materials in the contract documents including the location of the SDS binders for the areas in which they are working. In addition, outside contractors must provide a list and SDSs for any hazardous substances they will be using at District facilities to complete their work obligations. The outside contractor is responsible for having trained their employees in understanding SDSs, proper label identification, and the appropriate safety precautions necessary to prevent any harmful exposures. The contractor shall also be notified that he/she (as part of their contract) must remove and properly dispose of any hazardous waste/substance they generate.

Appendix A: Glossary

CHEMICAL: Any element, chemical compound, or mixture of elements and/or compounds.

CHEMICAL NAME: The scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name that will clearly identify the chemical for the purpose of conducting a hazard evaluation.

COMMON NAME: Any designation or identification such as code name, code number, trade name, branch name, or generic name used to identify a chemical other than by its chemical name.

CONTAINER: Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

EMPLOYEE: A teacher, student, or district employee who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

EXPOSURE OR EXPOSED: An employee is subjected in the course of employment to a chemical that is a physical or health hazard, and includes potential (e.g. accidental or possible) exposure. "Subjected" in terms of health hazards includes any route of entry (e.g. inhalation, ingestion, skin contact, or absorption).

FORESEEABLE EMERGENCY: Any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that could result in an uncontrolled release of a hazardous chemical into the workplace.

HAZARD WARNING: Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

HAZARDOUS CHEMICAL: Any chemical which is a physical hazard or a health hazard.

HEALTH HAZARD: A chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals that are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, hematopoietic system, and agents that damage the lungs, skin, eyes, or mucous membranes.

IDENTITY: Any chemical or common name which is indicated on the Safety Data Sheet (SDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label, and the SDS.

IMMEDIATE USE: The hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

LABEL: Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

LABORATORY SCALE: Work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

LABORATORY USE OF HAZARDOUS CHEMICALS: Handling or use of such chemicals in which all of the following conditions are met: (i) Chemical manipulations are carried out on a "laboratory scale"; (ii) Multiple chemical procedures or chemicals are used; (iii) The procedures involved are not part of a production process, nor in any way simulate a production process; and (iv) Protective laboratory practices and equipment are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

SAFETY DATA SHEET (SDS): Written or printed material concerning a hazardous chemical that is prepared in accordance with paragraph (g) of 29 CFR1910.1200, to be provided by the manufacturer, importer, or distributor of the chemical.

PHYSICAL HAZARD: A chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.

USE: To package, handle, react, emit, extract, generate as a byproduct, or transfer.

WORK AREA: A room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

WORKPLACE: An establishment, job site, or project, at one geographical location, containing one or more work areas.

Appendix B: Sections of the Safety Data Sheet

Chemical Identity

- If the chemical is a single substance, it should have the chemical, trade, and common name(s).
- The chemical identity on the SDS should be cross-referenced to an identifier found on the label.

Hazardous Ingredients

- If the hazardous chemical is a mixture that has been tested as a whole to determine its hazards, the chemical and common names of the ingredients that are associated with the hazards, and the common name of the mixture itself, must be listed.
- If the chemical is a mixture that has not been tested as a whole (most probable since very few mixtures are tested), all ingredients that are not carcinogens, but are health or physical hazards and comprise 1 percent or more of the mixture, must be listed.
- Carcinogens (e.g., OSHA list, IARC Monographs, NTP list) must be listed if they are present in the mixture at levels of 0.1 percent or greater.
- All components of a mixture that have been determined to present a physical hazard must be listed.

Physical and Chemical Characteristics

- The physical and chemical characteristics of the hazardous substance reflect the properties of the compound. These include such items as boiling and freezing points, density, vapor pressure, specific gravity, solubility, volatility, and the product's general appearance and odor.

Physical Hazards

- The compound's potential for fire and explosion must be described. This section explains the fire hazards of the product and the conditions under which the product could ignite or explode. An SDS also provides information on recommended extinguishing agents and fire fighting methods.
- This section also presents information about other chemicals and substances with which the chemical is incompatible, or with which it reacts. Information on decomposition products, such as carbon monoxide, is included.

Health Hazards

- The health hazards of the chemical, together with signs and symptoms of exposure, must be listed. In addition, any medical conditions which are generally associated with exposure to the compound, or which exposure to the compound can aggravate, must be included. The specific types of health hazards defined in the standard include carcinogenicity, corrosives, toxicity, irritants, sensitizers, mutagenicity, teratogenicity, and target organ effects, such as liver, kidney, nervous system, blood, lung, mucous membranes, reproductive, skin, and eye effects.
- The route of entry section describes the primary pathway by which the chemical enters the body. There are three principal routes of entry: inhalation, skin, and ingestion.
- This section of the SDS supplies the OSHA Permissible Exposure Level (PEL), the ACGIH Threshold Limit Value (TLV), as well as other exposure levels used or recommended by the chemical manufacturer.
- If the compound is listed as a carcinogen by OSHA, NTP, or IARC, it must be indicated on the SDS.

Special Precautions, Spill, Leak, and Cleanup Procedures

- The standard requires the preparer to describe applicable precautions for safe handling and use which are known. These include recommended industrial hygiene practices, precautions to be taken during the repair and maintenance of equipment, and procedures for cleaning up spills and leaks. Some companies also use this section to include useful information not specifically required by the standard, such as EPA waste disposal methods and State and local requirements.

Control Measures

- The standard requires the preparer of the SDS to list any generally applicable control measures. These include engineering controls, safe handling procedures, and personal protective equipment. Information on the use of goggles, gloves, bodysuits, respirators, and face shields is often included.

Emergency and First Aid Procedures

- This part of the SDS deals with the actions that should be taken in the event of accidental overexposure. Different procedures are usually given to deal with inhalation, ingestion, skin, or eye exposures.

Responsible Party

- The standard specifies that the SDS preparation date or the date of the last change be provided. In addition, the name, address, and telephone number of the chemical manufacturer, importer, or other responsible party preparing or distributing the SDS must be included.

Appendix C: General Guidelines for Storing Chemicals Flammable & Liquids

Conditions for Storage: Store in a cool place away from heat, sun or source of ignition. Automatic fire detection equipment and spray devices should be used. Adequate ventilation should be provided to prevent vapor buildup. Use approved storage cabinets or safety cans for flammable liquids. Ground metal containers.

Store away from: Oxidizers, chemicals capable of spontaneous heating, explosives, materials that react with air or moisture to liberate heat, and ignition sources.

Corrosive Chemicals

Conditions for Storage: Separate acids from bases. Separate oxidizing acids (e.g. nitric acid) from other acids. Cabinets should be non-corroding or covered with fume resistant paint. Corrosives should not be stored above eye level. Use bottle carriers for transporting containers of corrosives. Have spill control pillows and neutralizing materials readily available.

Store away from: Toxic materials, active metals (sodium, magnesium, etc.), substances that release corrosive, toxic or flammable fumes on reaction, organic materials, flammable substances, and uncoated structural materials.

Toxic Chemicals

Conditions for Storage: Store away from heat, moisture and fire hazard areas. Protect from contamination with acids and fumes.

Store away from: Acids and other corrosives, reactive chemicals, fire hazards, heat, and moisture.

Reactive Chemicals

Conditions for Storage: A fire sprinkler, except where water sensitive chemicals are stored. Protect from extremes of temperature and rapid changes in temperature. Store oxidizers away from flammable or combustible materials, and away from reducing agents such as zinc and alkaline earth metals. Store peroxide-forming chemicals in airtight containers and label with receiving and disposal dates (these chemicals can form explosive peroxides that can be detonated by shock or heat). Store light sensitive chemicals in amber bottles.

Store away from: Organic materials, flammable materials, corrosives, and toxic materials.

Water and Air Sensitive Chemicals

Conditions for Storage: Store in a waterproof, fire-resistant cabinet or room. Smoke and/or heat detectors should be provided in a storage area. Eliminate all ignition sources.

Store away from: Water and moist air, solutions of aqueous acids and bases, flammable storage area, and reactive chemicals.



SAN MARCOS
UNIFIED SCHOOL DISTRICT
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San Marcos Unified School District

EMPLOYEE SAFETY/HAZARD REPORTING AND RECOMMENDATION FORM

Please send completed form to Risk Management via e-mail to risk.management@smusd.org

fax (760) 591-0426 phone (760) 290-2360

Please note it is **not** mandatory that you sign your name. You may submit this notice anonymously if you prefer. However, you will not receive a written response unless your name is on the report.

Name of Employee _____

Job Title of _____

Reporting hazard: _____

Employee: _____

Date Reported: _____

Photos of Hazard: YES NO

Time Reported: _____

Location/Site: _____

Reported hazard Site Safety Coordinator? YES NO

Reported to Immediate Supervisor? YES NO

SAFETY HAZARD? HEALTH HAZARD? PREVIOUSLY REPORTED? NO YES (Date reported) _____

IF Yes, By Whom: _____

EXACT LOCATION OF

HAZARD: _____

SUGGESTIONS FOR ABATEMENT OF THE

HAZARD: _____

DO NOT WRITE BELOW THIS LINE – THIS SECTION FOR OFFICE USE ONLY

_____ Date Form Received

_____ Print Investigator's Name

_____ Investigator's Signature

_____ Date Investigated

Action Taken:

Date action taken: _____ Correction communicated to reporting employee: _____

Date response sent to reporting employee (if applicable): _____

Comments: _____



San Marcos Unified School District Fire Prevention Plan

Risk Management Director: Maresa Evans, Director of Risk Management		
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Office: (760) 290-2360	Fax: (760) 752-1202	Email: maresa.evans@smusd.org

INTRODUCTION

- Section 1: PURPOSE/SCOPE
- Section 2: FIRE PREVENTION COORDINATOR
- Section 3: HOUSEKEEPING
- Section 4: FIRE ALARM AND PROTECTION SYSTEMS
- Section 5: FIRE EXTINGUISHERS
- Section 6: TRAINING
- Section 7: FIRE DRILLS
- Section 8: FIRE PROCEDURES
- Section 9: FIRE AFTERMATH

INTRODUCTION

California Occupational Safety and Health Administration requires that every employer with 10 or more employees must have a written Fire Prevention Plan. This plan must include the following elements: potential fire hazards and their proper handling and storage procedures, names and duties of those responsible for maintenance of equipment to prevent fires, and names and duties of those responsible for the control of flammable materials.

SECTION 1: PURPOSE AND SCOPE

PURPOSE

San Marcos Unified School District (SMUSD) will take the steps necessary to ensure fire prevention is a functional process for eliminating hazards from the workplace in compliance with CCR, Title 8, Section 3221.

SCOPE

This plan will apply to all employees of San Marcos Unified School District. Outside contractors employed by SMUSD will also be expected to comply with sound fire prevention techniques and methods in the completion of their contracted tasks.

Due to the potentially severe loss of life and property a fire can cause, employee failure to comply with this plan may result in disciplinary action up to and including termination. Services from outside contractors may be terminated should they fail to comply with sound fire prevention measures.

SECTION 2: FIRE PREVENTION COORDINATOR

Fire Prevention is a critical element in the San Marcos Unified School District's Injury and Illness Prevention Plan; therefore, a Fire Prevention Coordinator is appointed. That individual is:

Fire Prevention Coordinator: Peter Jenkins
Title: Maintenance & Operations Coordinator
Extension: 760-752-2644

RESPONSIBILITIES

Maintenance & Operations (M & O) is responsible for fire prevention and protection policies. The fire prevention coordinator is in charge of all aspects of the Plan. This Plan includes the maintenance of good housekeeping practices. They must ensure the proper storage, handling, and use of any materials or substances utilized within the facility which may contribute to, or cause a fire. They also need to ensure that regular fire prevention inspections of the facilities are conducted. These inspections are conducted by one of the three Fire Chiefs that SMUSD works with. These Fire Chiefs are from Vista, San Marcos and Carlsbad. M & O must also ensure that employees and students receive adequate training regarding fire prevention and response.

Site Custodians are responsible for the visual inspection of all portable fire extinguishers. This is done once a month. They are also in charge of checking that the fire alarm panels are working properly and

writing work orders when it is needed. Checklists are submitted to M & O monthly to show that this work is done. Site Administrators are responsible for scheduling Fire Drills for their individual sites.

SECTION 3: HOUSEKEEPING

Good housekeeping reduces the possibility that a fire will start, and in the event that there is a fire, reduces the materials available to fuel the blaze. Because good housekeeping is such a critical element in the Fire Prevention Plan, regular inspections will be conducted to ensure the proper handling and storage of substances, which may contribute to or cause a fire.

The following are examples of safe handling practices, good housekeeping, and maintenance with which employees are expected to comply:

- All flammable or combustible liquids, involving solvents, lubricants, fuels, and chemicals shall be kept and stored in approved containers.
- All flammable or combustible liquid containers shall be clearly labeled and carry appropriate warnings.
- All spills of flammable or combustible liquids shall be cleaned up immediately.
- Flammable and combustible waste materials shall be stored temporarily in fire-resistant containers and disposed of regularly.
- Flammable or combustible materials must be kept away from any potential spark or ignition sources.
- Exits, aisles, and work areas shall be kept neat, clean and clear of trash, cartons, or other material that might help fuel a fire.
- The sprinkler systems shall be tested at least annually by an authorized outside agency to ensure they are well maintained and function properly.
- Electrical wiring shall be kept in good condition. Faulty or damaged wiring will be repaired in accordance with the National Electric Code or replaced in accordance with the National Electric Code.
- Fire exits will be kept unobstructed and clearly identified.
- All fire extinguishers will be maintained in a fully charged condition and kept accessible at all times.
- Fire hydrants will be kept accessible at all times.
- Fire alarms and detection systems are activated during drills to ensure proper working order.

SECTION 4: FIRE ALARM AND PROTECTION SYSTEMS

ALARMS

Fire alarms directly alert personnel and the local fire department of a fire in any building at the facility. A follow-up call will always be placed to the fire department to make sure that the fire signal was relayed by the alarm. The fire alarm system includes an announcing system, which gives an audible and visual display of the alarm. The display denotes the floor, zone, or other designated area from which the alarm originated.

Smoke Detectors will be located around equipment, near return air ducts, in stairwells, and lobbies. They will activate alarm systems that can be heard by everyone in the building.

Heat Detectors, which detect abnormally high temperatures, are also connected to the Fire Alarm System. When they are activated, the annunciator panel reflects the affected area within the facility.

Fire Alarm System Vendor:

SMUSD works with 4 different Fire Alarm Vendors that cover all our needs in this area. They are Johnson Controls (JCI), JJJ, CEI, and Standard Electric.

SPRINKLERS

The fire sprinkler system automatically distributes water upon a fire in sufficient quantity either to extinguish it entirely or to prevent its spread. One of the most common causes of fires getting out of control is sprinkler system failure. The typical failure is not mechanical, but caused by sprinkler valves being left closed. Therefore, Johnson Control (JCI) does annual inspections to make sure that the sprinkler systems are properly installed, maintained, and they are checked regularly to ensure that all valves are open. Sprinkler valves will be locked open, so they cannot be shut off.

Materials will be kept at least 18 inches away from all sprinkler heads to ensure the proper functioning of the sprinkler. Our sprinkler heads have heat detectors that are visually different by way of a colored ampule in each head. This indicates their heat temperature rating.

Fire Sprinkler Vendor:

Johnson Control (JCI)

FIRE AND/OR SMOKE BARRIER DOORS

Fire and/or Smoke Barrier Doors divide the facility into sections to prevent the spread of fire and/or smoke. All doors shall be regularly maintained and kept in an operative condition. Doors will remain closed and unobstructed at all times.

MAINTENANCE OF FIRE ALARM AND PROTECTION EQUIPMENT

The maintenance of fire alarms and protection equipment is essential to an effective Fire Prevention Plan. All critical valves and operable devices shall be locked into proper position. The fire alarm system and fire sprinklers are tested annually by a qualified sprinkler service.

Any time a fire protection system is taken out of service for maintenance and/or repairs, the system is put on “test” mode. Documentation is maintained that outlines our inspections and reports.

SECTION 5: FIRE EXTINGUISHERS

Fire extinguishers save lives and property by putting out or containing small fires until the fire department arrives. However, against small fires, extinguishers are useful only under certain conditions:

- The operator must know how to use the extinguishers. There is no time to read instructions during an emergency.
- Extinguishers must be within easy reach, in working order, and fully charged.
- Extinguishers need to be kept near the exit. The user needs to have an escape route that will not be blocked by fire.

- Extinguishers must match the type of fire being fought.
- Extinguishers must be large enough to put out the fire. discharge completely in as few as eight seconds.

Most portable extinguishers

CLASSES OF FIRES:

CLASS A: Fires involving ordinary combustibles such as wood, cloth, paper, rubber, textiles, plastics, and trash.

CLASS B: Fires involving flammable liquids such as gasoline, oil, grease, oil-based paints, lacquers, and flammable gasses.

CLASS C: Fires involving electrical equipment such as wiring, fuse boxes, circuit breakers, machinery, and appliances.

TYPES OF EXTINGUISHERS:

Extinguishers are classified as A, B, C, and ABC.

Water possesses the greatest cooling effect of any known substance and is used as the principle content of Class A extinguishers.

A wide variety of dense, heavier than air gasses and ordinary dry chemicals are used in Class B extinguishers. All of these smother Class B fires by removing the air. These extinguishers can also be used on Class C fires.

Class C Extinguishers use a non-conductive extinguishing agent (heavier than air gasses and ordinary dry chemicals.)

ABC or multi-purpose extinguishers contain ordinary dry chemicals and can be used on all three classifications of fire.

The San Marcos Unified School District will utilize the following types of fire extinguishers.

Pressurized Water:

Ordinary combustibles. Not to be used on flammable liquid or electrical fires.

Carbon Dioxide (CO₂):

Flammable liquids and electrical. Smothers.

Dry Chemical:

Flammable liquids and electrical. Smothers.

Multi-Purpose (Dry Chemical):

Smother.

ANNUAL FIRE EXTINGUISHER INSPECTION AND SERVICE

All fire extinguishers will be serviced at least annually by an outside agency qualified to conduct the service. The extinguishers will be inspected for physical damage, completely discharged, and re-charged. A new inspection tag will be placed on each extinguisher. Hole punches will be utilized to identify the month, day, and year the annual inspection was conducted.

BASIC OPERATION OF FIRE EXTINGUISHERS

The person operating the fire extinguisher should stand 6 to 8 feet away from the fire and follow the four-step PASS procedure. If the fire does not begin to go out immediately, the person will leave the area at once. The Fire Prevention Coordinator or their designee will ensure the fire department inspects the fire site.

PASS Procedure:

Pull the pin: This unlocks the operating lever and allows the extinguisher to discharge. Some extinguishers have other devices that prevent inadvertent operation.

Aim low: Point the extinguisher nozzle (or hose) at the base of the fire.

Squeeze the lever below the handle: This discharges the extinguishing agent. Easing the lever will stop the discharge. Some extinguishers have a button that must be depressed.

Sweep from side to side: Moving carefully toward the fire, keep the extinguisher aimed at the base of the fire and sweep back and forth until the flames appear to be out. Watch the fire area. If the fire reignites, repeat the process. Never turn your back on a fire.

The operation of fire extinguishers should be thoroughly addressed in fire prevention training.

SECTION 6: TRAINING

As part of the Fire Prevention Plan, San Marcos Unified School District will provide employee training related to fire prevention and fire safety. The training will include:

- An explanation of the fire hazards of the materials and processes to which the employees are exposed.
- The proper handling and storage procedures for those materials and processes.
- Proper housekeeping requirements to prevent fire hazards.
- The proper use and control of potential ignition sources in the workplace such as welding, electrical heaters, smoking, and others.
- The proper use of firefighting equipment. The training will be appropriate to the fire hazards present in the workplace.
- Locations of fire alarms and firefighting equipment.
- Evacuation routes and assembly areas.
- Means of evacuating students.
- **All staff will have access to this training through Keenan Safe Schools.**

Employee training will be documented and the documentation maintained for at least one year.

SECTION 7: FIRE DRILLS

Fire drills are necessary to:

- Ensure that employees and students can quickly evacuate in the event of a fire or other emergency.
- Give employees with specific firefighting duties an opportunity to practice those duties.
- Point out bottlenecks in emergency evacuation plans.
- Keep employees and students aware of the importance of fire prevention and fire safety.

The chief purpose of a fire drill is to instill in the mind of all employees and students the correct procedures to follow in the event of an emergency. This will ensure the safety of all persons within the facility.

SECTION 8: FIRE PROCEDURES

When a fire occurs, sounding the alarm and having everyone evacuate the building may not be possible. Many of the students in the building may be non-ambulatory in varying degrees and some may be connected to monitoring devices making them immovable. The fire must be fought while the building is occupied. This requires personnel to handle rescue and initial fire attack while awaiting the arrival of the fire department.

When any fire occurs, the fire department shall be notified immediately. Employees shall not hesitate to call because the fire seems too small. It's better to be safe than sorry. The fire may amount to nothing, but a fire extinguisher will not always do the job.

EVACUATION

Evacuation is the removal of all occupants in a building from a potentially dangerous area to one of safety. The need to move people to the outside is determined by the seriousness of the emergency.

In a calm and orderly manner, occupants should evacuate the building to be removed from unsafe areas to a designated area of safety. All employees will be notified when to evacuate by their supervisor.

ACCOUNTING FOR PERSONNEL

During fire evacuation, accounting for all personnel can be very difficult, for the number of people who come and go from the facility during the day varies and some people, such as visitors, are not always accounted for. The Fire Prevention Coordinator for each site will designate one person in the control center to account for personnel and to inform the fire department or other response team members of those who are believed to be missing.

The school site principal and SERT (School Emergency Response Team) will be responsible for the accounting of personnel during an evacuation.

SECTION 9: FIRE AFTERMATH

Care for the injured is the first and most important step after a fire. When transporting or moving victims, employees will be particularly careful in case the victims have other injuries. Trained medical personnel will be called to help immediately.

After a fire, the site will be left intact except for movement necessary to remove the injured or dead. Insurance inspectors and others will need to inspect the site if arson is suspected. The Prevention Coordinator and the Director of Risk Management will ensure all fires, regardless of size and damage, will be thoroughly investigated to determine the cause and the actions necessary to prevent a recurrence. The investigation will be documented. All information gathered in the in-house investigation will be made available to the fire department and insurance company investigators upon request.

As soon as practical, the condition of the fire fighting equipment in the area will be checked. Repairs and replacements of any equipment that has been damaged or utilized will be made as soon as practical.



San Marcos Unified School District Lock Out/Tag Out Plan

Risk Management Director: Mareesa Evans, Director of Risk Management		
Address: 255 Pico Avenue, Suite 250, San Marcos, CA 92069		
Office: (760) 290-2360	Fax: (760) 752-1202	Email: mareesa.evans@smusd.org

- Section 1: PURPOSE**
- Section 2: COMPLIANCE**
- Section 3: ENERGY CONTROL PROCEDURES**
- Section 4: LOCKOUT/TAGOUT**
- Section 5: PERIODIC INSPECTIONS**
- Section 6: EMPLOYEE TRAINING**
- Section 7: APPLICATION OF CONTROL**
- Section 8: RELEASE FROM LOCKOUT OR TAGOUT**
- Section 9: ADDITIONAL REQUIREMENTS**

- Appendix A Glossary of Terms Lockout Tagout**
- Appendix B Lock Out/ Tag Out Inspection Form**
- Appendix C References**

PURPOSE

The procedures identified in this plan establish the minimum requirements for the lockout of energy whenever maintenance or servicing is done on machines or equipment. They shall be used to ensure that machines or equipment are stopped and isolated from all potentially hazardous energy sources. To ensure the safety of our employees, they shall be locked out before any servicing or maintenance is done to eliminate the possibility of an unexpected start-up or release of energy.

COMPLIANCE

All employees are required to comply with the restrictions and limitations imposed upon them during the use of lockout. Authorized employees are required to perform the lockout following the procedures identified in this plan. When an employee observes a machine or equipment that is locked out, they shall not attempt to start, use or energize this machine.

ENERGY CONTROL PROCEDURES

Energy control procedures consist of the following:

- Lockout / Tagout
- Periodic inspections
- Employee Training

LOCKOUT / TAGOUT

If an energy-isolating device is capable of being locked out, then the following procedures will apply before any maintenance or servicing:

- Each employee working on equipment places their own individual lock and tag on the lockout mechanism and maintains a key in a visible position on their person. (example: belt loop, keyring, or other visible location but not in an area that will interfere with job safety)
- Each employee will keep a master key to open their lock.
- Each employee is responsible for removing their own individual lock upon completion of their assigned function.
- If equipment operations continue across multiple employee shifts, lockout shall remain in place. Others working on equipment shall continue placing their lock in addition to the locks present.

If an energy-isolating device is not capable of being locked out, a tagout (energy control) system shall be implemented.

PERIODIC INSPECTIONS

To ensure the energy control procedures remain viable and effective, and to ensure the procedures are being followed, the District will provide for an annual inspection. This inspection shall be conducted by an authorized District employee who does not also utilize the energy control procedure.

The periodic inspection shall be conducted in a manner to identify and correct any variations or inadequacies identified. The inspection shall include a review of procedures with each authorized employee regarding their responsibilities under energy control procedures.

EMPLOYEE TRAINING

Each employee authorized to work on equipment for set-up, maintenance, installation, or other reason, shall receive training on lockout and tagout (energy control) procedures.

This training will consist of the following:

- Purpose and use of energy control procedures
- Review of District energy control procedures
- Recognition of applicable hazardous energy sources
- Identification of types and magnitude of energy sources in the workplace
- Methods & means of energy isolation and control
- Limitations of tagout (energy control)
- Emergency information

All training will be documented following the District's Injury & Illness Prevention Program.

APPLICATION OF CONTROL

The identified procedures for the application of energy control shall include the following elements and actions to be done in the following sequence:

1. **Preparation of shutdown.** Before an authorized employee shuts down equipment, they need to have knowledge of:
 - a. The type and magnitude of the energy
 - b. The hazards of the energy to be controlled, and
 - c. The methods or means to control the energy.
2. **Notification of affected employees.** The authorized employee will notify the site administrator and other "affected employees" of the intention to lockout and identify the equipment to be locked and/or tagged.
3. **Machine or equipment shutdown.** Machines or equipment shall be shut down or turned off using established procedures for the given machine or equipment.
4. **Machine or equipment isolation.** All energy isolating devices, which are needed to control the energy to the machine or equipment, shall be physically located and operated in such a manner as to disconnect/isolate the machine or equipment from the energy source.
5. **Lockout or tagout device application.**
 - a. Lockout and/or tagout devices shall be applied only by authorized employees.
 - b. Lockout devices shall be applied in a manner that holds the device in a "safe" or "off" position.
 - c. Tagout devices shall be applied in a manner that clearly indicates that the operation or movement of the device from the "safe" or "off" position is prohibited.
6. **Stored energy.** Following the application of energy control devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, or otherwise rendered safe.
7. **Verification of isolation.** The authorized employee shall verify that isolation and de-energization of the intended equipment has been accomplished prior to beginning any work on the equipment.

RELEASE FROM LOCKOUT OR TAGOUT

Before lockout or tagout devices are removed and energy is restored to the isolated machinery or equipment, the following procedures shall be followed:

- The authorized employee shall inspect the authorized work to ensure that the nonessential items have been removed and that the machine or equipment is operationally intact, assembled properly, and is safe to operate for its intended use.
- Check the work area to ensure that all employees have been safely positioned or removed.
- Each lockout and/or tagout device shall be removed from each energy-isolating device only by the employee who applied the device.
- Affected employees shall be notified that the lockout or tagout devices have been removed before the machine or equipment is to be started.
- Start equipment.

ADDITIONAL REQUIREMENTS IV

Special Applications:

On occasion, a new or special application may arise and not be covered in procedures by this policy. If this occurs, the authorized person on scene will determine the safest method for performing the task and facilitating lockout or tagout.

Testing or positioning of machines or equipment:

If energy control devices must be temporarily removed for testing or positioning of the machinery or equipment, the following shall apply:

- Clear the machine or equipment of tools and materials
- Remove employees from the machine or equipment area
- Remove lockout or tagout devices as specified in Section III of this plan
- Energize and proceed with the testing or positioning
- De-energize all systems and reapply energy control measures in accordance with the provisions of this plan
- Continue maintenance or servicing as scheduled

Shift or Personnel changes:

The supervisor or authorized worker shall be responsible for ensuring the continuity of protection and an orderly transfer of energy control devices between off-going and incoming employees.

Outside Personnel:

When outside service personnel are engaged in activities covered by the scope of this program, the outside employer shall communicate with the supervisor or authorized worker for an exchange of information regarding each other's lockout or tagout procedures.

The supervisor shall be responsible for ensuring that all District employees understand and comply with the restrictions of the outside service provider's energy control program.

Appendix A

Glossary of Terms Lockout Tagout

29 CFR 1910.147

Sited from <https://www.osha.gov/control-hazardous-energy>

Authorized employee: An employee who locks or tags machines or equipment in order to perform servicing or maintenance.

Affected employee: An employee who is required to use machines or equipment on which servicing is performed under the Lockout/Tagout standard or who performs other job responsibilities in an area where such servicing is performed.

Other employees: All employees who are or may be in an area where energy control procedures may be utilized.

Capable of being locked out: An energy-isolating device is considered capable of being locked out if it:

- Is designed with a hasp or other means of attachment to which a lock can be affixed.
- Has a locking mechanism built into it.
- Can be locked without dismantling, rebuilding, or replacing the energy-isolating device or permanently altering its energy control capability.

Energized: Machines and equipment are energized when they are connected to an energy source or they contain residual or stored energy.

Energy-isolating device: A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently; a line valve; a block; and any similar device used to block or isolate energy. Push buttons, selector switches and other control circuit type devices are not energy isolating devices.

Energy source: Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Lockout: The placement of a lockout device on an energy-isolating device, in accordance with an established procedure, ensuring that the energy-isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Lockout device: Any device that uses positive means, such as a lock, blank flanges and bolted slip blinds, to hold an energy-isolating device in a safe position, thereby preventing the energizing of machinery or equipment.

Normal production operations: Utilization of a machine or equipment to perform its intended production function.

APPENDIX B

LOCKOUT/TAGOUT INSPECTION FORM

Note to employees: Use this form to document an inspection of a written lockout or tagout procedure.

Department:

Equipment type and serial number:

Inspection conducted by:

Equipment location:

Inspection date:

List authorized employees using this procedure? Has the employee been trained in the procedure?	
Employee name:	
Employee name:	
Do <i>authorized</i> employees know the location of the procedure?	
Do <i>authorized</i> employees have access to the written procedure?	
Are <i>affected</i> employees notified when the procedure is being used?	
Have <i>affected</i> employees been trained to recognize when the procedure is being used and instructed not to remove lockout/tagout devices or start de-energized equipment?	
Can energy-isolating devices be locked out? Note: When you replace, renovate, or modify machines and equipment, ensure that the energy-isolating devices will accept lockout devices. New equipment and equipment renovated or modified after January 2, 1990, must be capable of being locked out.	
Did each <i>authorized</i> employee lock out all energy sources?	
Does this procedure involve group lockout/tagout?	
Did the <i>authorized</i> employees verify that the equipment was de-energized?	
Did the authorized employees follow this lockout/tagout procedure?	
Does this lockout/tagout procedure adequately protect employees?	
If not, list and describe the deficiencies requiring corrective action.	
1.	
2.	
3.	
If this is a lockout procedure, did the inspector review with all <i>authorized</i> employees their responsibilities under the procedure? Note: A review can be accomplished by meeting with employees individually or in a group.	
If this is a tagout procedure, did the inspector review with all <i>authorized</i> employees their responsibilities under the procedure? Note: A review can be accomplished by meeting with employees individually or in a group.	

APPENDIX C

California Code of Regulations Title 8, Section 3314

<http://www.dir.ca.gov/Title8/3314.html>

29 Code of Federal Regulations, Section 1910.147

http://www.osha.gov/pls/oshaweb/owasisp.show.document?p_table=STANDARDS&p_id=9804



San Marcos Unified School District

Sharps & Pharmaceutical Medical Waste Disposal Plan

Risk Management Director: Maresa Evans, Director of Risk Management		
Address: 255 Pico Avenue, Suite 250, San Marcos, CA 92069		
Office: (760) 290-2360	Fax: (760) 752-1202	Email: maresa.evans@smusd.org

Section 1: PURPOSE

Section 2: ADMINISTRATIVE DUTIES

Section 3: NURSING & HEALTH PERSONNEL

Section 4: SHARPS DISPOSAL PROCEDURES

Section 5: PHARMACEUTICAL WASTES

Section 6: CONTAINMENT & STORAGE

Section 7: MEDICAL WASTE - CLEAN UP OF SPILLS

SECTION 1: PURPOSE

San Marcos Unified School District is committed to providing a safe and healthful work environment for all employees. This document describes the sharps and pharmaceutical waste disposal procedures at SMUSD.

SECTION 2: ADMINISTRATIVE DUTIES

SMUSD is responsible for the implementation of the sharps disposal plan.

District Nurses are the leads for their site(s) sharps disposal procedure.

This plan is reviewed at least annually and updated as needed or whenever necessary to include new or modified tasks and procedures.

All employees must comply with the procedures and work practices outlined in this plan.

SMUSD will maintain and provide all necessary personal protective equipment (PPE) and appropriate engineering controls. SMUSD will ensure that adequate supplies of the aforementioned equipment are available in appropriate sizes.

SMUSD will be responsible for ensuring that all employees exposed to possible infectious disease in the workplace will receive the medical action that is required, and that appropriate employee health and OSHA records are maintained.

SMUSD will be responsible for training, documentation of training, and making the written sharps disposal plan available to employees, CAL-OSHA representatives, and the governing agency of this plan,

Section 3: NURSING & HEALTH PERSONNEL

District Nurses and Health Aides contact information are listed below:

DISTRICT NURSES

School Site(s)	District Nurse (DN)	Phone Number	E-mail Address
Elementary: <ul style="list-style-type: none"> ● Discovery ● Knob Hill ● Paloma High School: <ul style="list-style-type: none"> ● Twin Oaks ● Foothills 	Shannon Johnson	760-505-9653	shannon.johnson@smusd.org
Middle Schools: <ul style="list-style-type: none"> ● San Marcos ● Woodland Park Adult Transition Program (ATP)	Jill Granquist	760-484-4567	jill.granquist@smusd.org
Elementary: <ul style="list-style-type: none"> ● Richland SpEd Preschool(EEC) 	Bryn Sovacool	760-215-5563	bryn.sovacool@smusd.org
San Marcos High School	Beth Lawson-Abreu	760-330-3792	beth.lawson-abreu@smusd.org
Elementary: <ul style="list-style-type: none"> ● Carrillo ● La Costa Meadows K-8: <ul style="list-style-type: none"> ● Double Peak 	TBD	760-419-1882	
Mission Hills High School	Anne Laymon	760-566-9088	anne.laymon@smusd.org
Elementary: <ul style="list-style-type: none"> ● Joli Ann Leichtag San Elijo Elem. & Middle School	Mojdeh Rassouli	760-566-9099	zahra.rassouli@smusd.org
Elementary: <ul style="list-style-type: none"> ● San Marcos ● Twin Oaks K-8: <ul style="list-style-type: none"> ● La Mirada Academy 	Maria Alcantara	760-484-4582	maria.alcantara@smusd.org

Health Aides:

School	Health Aide(s)	Contact Info.
<u>Carrillo Elementary</u> 2875 Poinsettia Ln. Carlsbad, CA 92009	Susan Weston	760-290-2900 ext. 2905
<u>Discovery Elementary</u> 730 Applewilde Dr. San Marcos, CA 92078	Traci Getsinger-Elam	760-290-2077 ext. 2044
<u>Double Peak K-8</u> 111 San Elijo Rd. San Marcos, CA 92078	Tasha Orlando (AM) Sadie Rose (PM)	760-290-2340 ext. 2359
<u>Joli Ann Leichtag Elementary</u> 653 Poinsettia Ave. Vista, CA 92081	Maribel Hernandez	760-290-2888 ext. 2853
<u>Knob Hill Elementary</u> 1825 Knob Hill Rd. San Marcos, CA 92069	Lisa Moon	760-290-2080 ext. 2086
<u>La Mirada Academy</u> 3697 La Mirada Dr. San Marcos, CA 92078	Maria Sianez	760-290-2000 ext. 2003
<u>La Costa Meadows Elementary</u> 6889 El Fuerte St. Carlsbad, CA 92009	Debbie Bucci (AM) Kate Willet (PM)	760-290-2121 ext. 2125
<u>Mission Hills Mission School</u> 1 Mission Hills Ct. San Marcos, CA 92069	Melanie Aperocho (AM) Jennifer Helfand (PM)	760-290-2700 ext. 2735
<u>Paloma Elementary</u> 660 Camino Magnifico, San Marcos, CA 92069	Courtney Marshall	760-290-2199 ext. 2165
<u>Richland Elementary</u> 910 Borden Rd. San Marcos, CA 92069	Laura Johnson (AM) Heather DiBella (PM)	760-290-2400 ext. 2404
<u>San Elijo Elementary</u> 1615 Schoolhouse Way. San Marcos, CA 92078	Kelly Godfrey	760-290-2600 ext. 2608

Health Aides Continued:

School	Health Aide(s)	Contact Info.
<u>San Elijo Middle School</u> 1600 Schoolhouse Way San Marcos, CA 92078	Carol Bushee	760-290-2800 ext. 2805
<u>San Marcos Elementary</u> 1 Tiger Way San Marcos, CA 92069	Lizabeth Vergara (AM) Addie Gonzalez (PM)	760-290-2430 ext. 2431
<u>San Marcos Middle School</u> 650 W Mission Rd. San Marcos, CA 92069	Corina Guillen	760-290-2500 ext. 2506
<u>San Marcos High School</u> 1615 W San Marcos Blvd. San Marcos, CA 92078	Lisa Beretta (AM) Elizabeth Cortes (FT)	760-290-2200 ext. 2276
<u>Twin Oaks Elementary</u> 1 Cassou Rd. San Marcos, CA 92069	Lori Brown	760-290-2588 ext. 2565
<u>Twin Oaks High School</u> 158 Cassou Rd, San Marcos, CA 92069	Mayra Uribe (AM)	760-290-2555 ext. 2542
<u>Woodland Park Middle School</u> 1270 Rock Springs Rd. San Marcos, CA 92069	Sarah Rosas (AM) Lindsey Oliva (PM)	760-290-2455 ext. 2460
<u>Adult Transition Program</u> 442 W. Mission Rd. San Marcos, Ca 92069	Mary Lou Nye	760-290-2965 ext. 3101

SECTION 4: SHARPS DISPOSAL PROCEDURESharps disposal vendor:

- Isolyzer Sharps Management System

Sharps disposal containers are available at each school site as needed for those that require the administration of medication by injection and are located in the Health offices.

Disposal

The sharps disposal containers from Isolyzer Sharps Management System are self disposable.

District Nurses prep the sharps container for disposal by mixing two packets of chemicals into the sharps container, recapping the container and shaking it to activate the mixture. Once the mixture solidifies, the sharps container is ready for disposal.

District Nurses complete a medical form and drop off container and form in the mailroom located at the District Office. The maintenance department completes the rest of the form and disposes of the containers in a locked dumpster. Nurses are responsible for resupplying the site with new sharps disposal containers.

TRACKING DOCUMENTS

Tracking documents and treatment records for all medical waste will be maintained for three years by the District Nurses and Risk Management in a google shared drive.

Section 5: PHARMACEUTICAL WASTES

SMUSD nursing staff is responsible for the collection and proper disposal of excess pharmaceutical waste. Pharmaceutical waste includes medications that were administered throughout the school year at various District school sites. Parents have an opportunity to pick-up excess medications at the end of the school year. For those medications that are not picked up by parents, school District nurses gather the excess medication and follow appropriate protocols and processes for safe disposal.

SECTION 6: CONTAINMENT & STORAGE

CONTAINMENT & STORAGE

Regulated waste is placed in containers that are closable, constructed to contain all contents and prevent leakage, appropriately labeled or color-coded, and closed prior to removal to prevent spillage or protrusion of contents during handling.

Contaminated sharps are discarded immediately or as soon as possible in containers that are closable, puncture-resistant, leak proof on sides and bottoms, and labeled or color-coded appropriately. Sharps disposal containers are available from District Nurses. Sharps disposal containers are inspected and maintained or replaced by District Nurses when the disposal is $\frac{2}{3}$ full (no greater) or whenever necessary to prevent overfilling. Sharps disposal containers are closed and sealed and properly disposed of.

Plastic bags shall be used to contain potentially infectious waste. Bins and pails (e.g. wash or emesis basins) shall be cleaned and decontaminated immediately after contact with blood or other potentially infectious material.

Administration shall ensure that the worksite is maintained in a clean and sanitary condition. Each site shall determine and implement an appropriate written schedule for cleaning and the correct method of decontamination based upon the type of surface to be cleaned, type of soil present or procedure being performed in the area. Sharps containers shall be marked with "BioHazard" labels.

KEY POINTS

- Sharps containers used in this facility are cleared by the FDA as sharp containers, not overfilled and maintained upright, taped closed, or lid tightly closed when ready for pick-up, labeled with the words “Biohazard” and the international biohazard symbol, or “Sharps Waste”.
- Handle all sharps in a manner to prevent accidental punctures and/or personal contamination. Needles should never be bent or cut during disposal. Never put your hands into a container of contaminated sharps.
- Sharps need to be disposed of in an FDA sharps container immediately after use.
- This facility does not use a common storage for its medical waste.
- This facility does not use an accumulation/interim storage area for its medical waste.

SECTION 8: MEDICAL WASTE - CLEAN UP OF SPILLS

In case of an accident where there is blood, clean up any spilled blood immediately. Whenever possible, this task should be performed by trained personnel using a commercial blood clean-up kit. However, a freshly prepared solution of water (1 gallon) and household bleach (¼ cup) is a very effective disinfectant and a good way to clean up spilled blood.

- SMUSD has supplied universal spill kits to each school site lead custodian. These spill kits should be utilized in any significant spill containing potentially infectious body fluids.
- Individuals cleaning up such spills should wear disposable gloves and wash their hands thoroughly and immediately with soap and water afterwards.
- Employees should wear gloves when the possibility of exposure to blood exists (handling blood soaked towels, garments, or sharp instruments, etc.) and wash hands with soap and water after removing the gloves.
- Disposable sharp items, herein called sharps (blades, needles, and sharp instruments) should be placed in puncture proof containers located as close as practical to the area in which they are used. Needles should not be recapped, or bent, or broken. The containers should be disposed of in a manner consistent with local regulations on solid hazardous waste disposal.
- When giving first aid care involving blood, or certain human body fluids, employees must always wear gloves. Bloody dressings should be disposed of in a plastic bag that is placed carefully into another plastic bag (double bagging). Dispose of the gloves by turning the gloves inside out as they are removed.
- Wash hands with soap and water as soon as possible. If blood is sprayed into an eye, irrigate the eye(s) with gently running warm water from the bridge of the nose outward.

Engineering and work practice controls will be used to prevent or minimize exposure to bloodborne pathogens. The specific engineering controls and work practice controls used are:

- Hand washing facilities or appropriate antiseptic hand cleaner shall be available to all employees. Employees shall be trained and required to comply with proper hand washing technique.
- Personal protective equipment (PPE) shall be available in areas where exposure can be anticipated, which includes disposable gloves. Employees shall be trained and required to comply with the use of protective equipment.

- Sharps containers shall be provided for contaminated needles that are closable, puncture resistant, leak proof on sides and bottoms, and labeled or color-coded appropriately. Needles are never to be recapped or bent.
- Gloves shall be worn when it can be reasonably anticipated that the employee may have contact with blood, or potentially infectious materials, mucous membranes, or non-intact skin. Disposable (single use) gloves shall not be washed or reused.
- Used personal protective equipment (PPE) shall be bagged and discarded.
- SMUSD will evaluate the need for new procedures or new products by discussions at District meetings with Human Resources or through the hazard communication process.