



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

2021-2022 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
Instructional 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
- Kids on Campus
- Risk Management

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

SMUSD Employee Handbook

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

ASSISTANT SUPERINTENDENT-INSTRUCTIONAL SERVICES: The Assistant Superintendent – Instructional 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	

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
Admission Day	Martin Luther King 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.

SMUSD Employee Handbook

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

SMUSD Employee Handbook

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

SAN MARCOS UNIFIED SCHOOL
DISTRICT BOARD POLICY
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

1312.3
Page 1 of 4

The Governing Board recognizes that the district is primarily responsible for complying 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 the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in district programs and activities, including, but not limited to, 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, 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)
3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)
4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)
6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)
8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)
10. 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

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 he/she is 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 records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

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.

UNIFORM COMPLAINT PROCEDURES

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)

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

222 Reasonable accommodations; lactating students 8200-

8498 Child care and development programs 8500-8538

Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures 33380-

33384 California Indian Education Centers

35186 Williams uniform complaint procedures

44500-44508 California Peer Assistance and Review Program for Teachers 48853-

48853.5 Foster youth

48985 Notices in language other than English

49010-49013 Student fees

49060-49079 Student records 49069.5

Rights of parents

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children 51210

Courses of study grades 1-6

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content 52060-

52077 Local control and accountability plan, especially:

52075 Complaint for lack of compliance with local control and accountability plan requirements 52160-

52178 Bilingual education programs

52300-52462 Career technical education

52500-52616.24 Adult schools

54000-54029 Economic Impact Aid

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56865 Special education programs

59000-59300 Special schools and centers 64000-

64001 Consolidated application process

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state 12900-

12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education PENAL

CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege CODE OF

REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction CODE

OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972

6301-6576 Title I basic programs

6801-7014 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

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

Adoption History:

Initial Adoption: 08/24/92

Reviewed/Revised: 08/23/93

09/13/93

12/11/95

01/08/96

11/17/97

02/23/99

04/22/02

03/10/03

01/10/05

08/25/08

11/13/12

07/15/14

12/13/16

Revisions Adopted: 02/21/17

02/19/19

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
NON-DISCRIMINATION

4030
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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 identify, 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
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

1312.3
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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 coordinating 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 (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

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

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 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 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 rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 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. 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.

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 him/her 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 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 (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that an individual or 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. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination 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)
5. When a complaint alleging unlawful discrimination (such as discriminatory 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.
6. When the complainant of unlawful discrimination (such as discriminatory 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.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her 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 offenders, 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 FINAL DECISION

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. The respondent also shall be sent the district's final written decision at the same time it is provided to 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 a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision 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 student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision 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 seeking assistance from mediation centers or public/private interest attorneys, 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 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, 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 report

4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's UCP
7. 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 each license-exempt CSPP classroom, a notice shall be posted 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. (Education Code 8235.5; 5 CCR 4690)

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. 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. (Education Code 8235.5; 5 CCR 4690)

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 8235.5; 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 8235.5; 5 CCR 4692)

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 8235.5; 5 CCR 4693, 4694)

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
02/23/99 07/15/14
03/30/99 12/13/16
04/22/02 02/19/19
03/10/03 08/20/19

SAN MARCOS UNIFIED SCHOOL DISTRICT
EXHIBITS
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

1312.3
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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.

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
ADMINISTRATIVE PROCEDURE

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
NON-DISCRIMINATION

4030
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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 ensuing 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

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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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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
SEXUAL HARASSMENT

4119.11
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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, especially;

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

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

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 Civil Rights:
<https://www.ed.gov/about/offices/list/ocr/index.html>

Adoption History: 5/10/93
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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:

Initial Adoption: 5/10/93

Reviewed: 12/13/93
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Reviewed: 1/25/99
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Reviewed: 4/22/02
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Reviewed: 1/12/09
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Revised: 11/15/16
Revised: 7/18/17
Revised: 11/17/20

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

ALL PERSONNEL
DRUG AND ALCOHOL-FREE WORKPLACE

4020
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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

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9/08/06

8/23/10

Revised: 8/18/15

Revised: 11/14/17

SAN MARCOS UNIFIED SCHOOL DISTRICT
BOARD POLICY

STUDENTS

CHILD ABUSE AND NEGLECT REPORTING PROCEDURES

5141.4

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With concern for the total well-being of each student, the Governing Board directs the employees of the District to report known or suspected incidences of child abuse in accordance with state law and district regulations. District employees shall cooperate with the child protective agencies responsible for reporting, investigating, and prosecuting cases of child abuse.

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 shall develop and implement regulations for identifying and reporting child abuse. In order to reduce or eliminate unfounded child abuse accusations directed at school employees, child abuse inservice training shall include guidance in disciplining students and maintaining ethical relationships with them.

The District shall also provide training in the duties of child abuse identification and reporting to instructional and teacher aides, teacher assistants, and other classified employees. (Penal Code 11165.7) As mandated reporters, employees shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.

All new employees and all employees trained in child abuse identification and reporting shall be given, as part of that training, written notice of the child abuse reporting requirements and the employee's confidentiality rights.

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 site.

Legal Reference:

Education Code

32280-32288	Comprehensive School Safety Plans
33308.1	Guidelines on procedure for filing child abuse complaints
44690-44691	Staff development in the detection of child abuse and neglect
44807	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

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. 4 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

Management Resources:

CDE Legal Advisories

514.93 Guidelines for parents to report suspected child abuse by school district employees

Adoption History:

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Reviewed/Revised: 09/13/93

03/24/97

08/16/99

05/11/04

06/16/08

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURES

INSTRUCTIONAL SERVICES

5141.4

CHILD ABUSE AND NEGLECT REPORTING PROCEDURES

Page 1 of 5

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

1. 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.
2. 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).
3. After that statement has been signed by the new employee, it shall be placed in their personal file.
4. 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.

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 PC11165.4.
5. Neglect as defined in PC11165.2. 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)

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)

1. Any person shall notify a peace officer if he/she reasonably believes that he/she has 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, where the victim is a child under age 14. (Penal Code 152.3, 288)
2. Any child care custodian, health practitioner, child visitation monitor, or employee of a child protective agency who has knowledge of or observes a child whom he/she knows or reasonably suspects has been the victim of physical or emotional child abuse shall report the known or suspected instance to a child protective agency immediately, or as soon as practically possible, by telephone and shall prepare and send a written report thereof within 36 hours. (PC 11166)
3. The reporting duties are individual and can't be delegated to another individual. 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. School employees have absolute immunity. They are not civilly or criminally liable for filing a required report of known or suspected child abuse. (PC 11166)

4. 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)

Reporting Known or Suspected Child Abuse:

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

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)

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)

Confidential Notification:

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.
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)

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility.

When School Employees are Accused of Child Abuse:

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).

Reviewed 12/09/85
 04/13/94
 08/16/99
 05/11/04
 06/16/08

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 in¹⁴ 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

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

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 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 checkstubs.

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
BOARD POLICY

INSTRUCTIONAL SERVICES

USE OF COPYRIGHTED MATERIALS

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The Governing Board recognizes the importance of ensuring that the District complies with federal law regarding copyrights.

All district staff shall adhere to the provisions of the federal copyright law and maintain the highest ethical standards in using copyrighted materials. The District shall not be responsible for any violation of copyright laws by its staff or students. The District shall provide no legal support to any employee who violates the copyright law. Willful infringement of this law by students or staff may result in disciplinary action.

The Board recognizes that computer software piracy contributes to higher costs and decreases commercial incentives for the development of quality educational computer software. The Superintendent or designee shall ensure that the district observes all publisher 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 program, the District shall not make multiple copies of a computer program or software. In circumstances where the interpretation of the copyright law is ambiguous, the District shall determine appropriate use of computer software by referring to the license agreement and/or policy statements contained in the software packages used in the District.

The Superintendent or designee shall be the only individual who may sign license agreements for software for district schools. Each school using licensed software shall have a signed copy of the software agreement.

The Superintendent or designee shall ensure that staff and students receive information about copyright laws and the penalties for violating such laws.

Legal Reference:

Education Code:

35182 Computer Software

United States Code, Title 17

Adoption History:

Initial Adoption: 06/04/84

Reviewed/Revised: 08/23/93

09/13/93

07/19/99

06/13/05

05/11/09

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE

INSTRUCTIONAL SERVICES

USE OF COPYRIGHTED MATERIALS

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The principal of each school site or department manager is responsible for establishing practices which will enforce these procedures at the school or department level.

Each employee making a reproduction shall first determine whether the copying is permitted by law based on the guidelines below. If the copying is not permitted according to these guidelines, the employee may request permission to reproduce the material from its copyright holders.

Requests for permission to use copyrighted materials 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 (i.e., lines, pages, running time, etc.).
4. Nature of the use (i.e. how many times, when and with whom the material will be used).
5. Number of copies to be made.
6. How the material will be reproduced.
7. If an initial contact was made by phone, the request shall also include the name of the initial contact person.

The following guidelines differentiate between permitted and prohibited uses of printed material, sheet and recorded music, videotapes, films, off-air taping (radio or television), and computer software.

Printed Materials

Permitted Use:

1. Single copies at the request of an individual teacher:
 - a. A chapter of a book.
 - b. An article from a magazine or newspaper.
 - c. A short story, short essay or short poem, whether or not from a collective work.
 - d. A chart, graph, diagram, drawing, cartoon or a picture from a book, magazine, or newspaper.
2. Multiple copies at the request of an individual teacher for classroom use, not to exceed one copy per student in a course:
 - a. A complete poem if less than 250 words and if printed on not more than two pages.
 - b. An excerpt from a longer poem, not to exceed 250 words.
 - c. A complete article, story or essay of less than 2,500 words.
 - d. An excerpt from a larger prose work not to exceed ten percent of the whole or 1,000 words, whichever is less, but in any event a minimum of 500 words.
 - e. One chart, graph, diagram, cartoon or picture per book or magazine issue.

All preceding copies must bear the copyright notice. They may be made only at the discretion

of the individual teacher on occasions when a delay to request permission would preclude their most effective instructional use.

Prohibited Uses:

1. Copying more than one work or two excerpts from a single author during one class term.
2. Copying more than three works from a collective work or periodical volume during one class term.
3. Copying materials for more than one course in the school where the copies are made.
4. More than nine sets of multiple copies for distribution to students in one class term.
5. Copying used to create, replace or substitute for anthologies or collective works.
6. Copying of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
7. Copying that substitutes for the purchase of books, publisher’s reprints or periodicals.
8. Repeated copying of the same item by the same teacher from term to term.

The above prohibitions do not apply to current news magazines and newspapers.

Sheet and Recorded Music

Permitted Uses:

1. Emergency copies for an imminent performance are permitted, provided they are replacing purchased copies and replacement is planned.
2. Multiple copies (one per student) of excerpts not constituting an entire performable unit or more than ten percent of the total work may be made for academic purposes other than performances.
3. Purchased sheet music may be edited or simplified provided the character of the work is not distorted or lyrics added or altered.
4. A single copy of a recorded performance by students may be retained by the District or individual teacher for evaluation or rehearsal purposes.
5. A single copy of recordings of copyrighted music owned by the District or individual teacher may be made and retained for the purpose of constructing exercises or examinations.
6. A single copy of an excerpt that constitutes an entire performable unit (i.e., a movement or aria) may be made, provided it is either:
 - a. Confirmed by the copyright proprietor to be out of print, or
 - b. Unavailable except in a larger work. This may be done by or for a teacher only for scholarly research or in preparation for teaching a class.
7. A single copy of a portion of a sound recording may be made by or for a student, i.e., a song from a record, but not the entire recording. The copy may be used in the educational context in which it was made and may not be sold or performed for profit.

Prohibited Uses:

1. Copying to replace or substitute for anthologies or collections.
2. Copying from works intended to be “consumable.”
3. Copying for purposes of performance except as noted in an emergency.
4. Copying to substitute for purchase of music.
5. Copying without inclusion of copyright notice on the copy.

6. Duplication of tapes, unless reproduction rights were given at time of purchase.
7. Reproduction of musical works or conversion to another format, e.g., record to tape.

Videotapes or Films

*** Note: Section 110(1) of the U.S. Copyright law clearly permits the showing of motion pictures and other audiovisual materials in the classroom of a nonprofit educational institution as long as the showing is part of “face-to-face” instruction and not presented for recreational or entertainment purposes. Whether purchased or rented, video cassettes bearing the label “for home use only” come under this provision and may be used for planned, direct classroom instruction. They may not be used for entertainment, fund-raisers or time fillers unless such use was negotiated at the time of purchase or rental, usually in the form of a licensing agreement. ***

Permitted Uses:

1. A single copy of a portion of a copyrighted film may be made by a student for educational purposes if the material is owned by the school which the student attends.
2. A single copy of a small portion of a film may be made by or for a teacher for scholarly or teaching purposes.
3. An overhead transparency series may be created from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.). This may not be done when the source forbids photographic reproduction.
4. A single overhead transparency may be created from a single page of a “consumable” workbook.
5. Sections of a film may be excerpted for a local videotape (not to be shown over cable) if they do not exceed ten percent of the total or excerpt the essence of the work.

Prohibited Uses:

1. Reproduction of an audio visual work in its entirety.
2. Conversion from one media format to another unless permission is secured.
3. No one is permitted to copy any portion of a film sent to the school for preview or rented or owned by another school or institution without the express written permission of the copyright holder. The copyright of a film governs its performance (showing) as well as they copying of it. It is permissible to show a film to students using closed-circuit television if the system is confined to one building. Showing a film via closed-circuit television outside the building is not permitted.

Radio - Off-Air Taping

Permitted Uses:

1. A single copy of a small portion of a copyrighted radio program may be made by a student for educational purposes. Such a copy may not be sold or performed for profit.
2. Copies of broadcasts by national public radio may be made by district employees and retained for an indefinite period for educational purposes.

Prohibited Uses:

1. Copying broadcasts on commercial radio, except for copyrighted musical selections (see Sheet and Recorded Music), is governed by the same copyright laws that apply to off-air

taping of commercial television; however, there is no special provision allowing libraries to tape radio news programs.

Television - Off-Air Taping

Permitted Uses:

*** Note: The following guidelines apply only to off-air recording. ***

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable re-transmission) and retained for a period not to exceed 45 days. All off-air recordings shall be erased or destroyed at the end of the retention period. Broadcast programs are television programs transmitted for reception by the general public without charge.
2. Off-air recordings may be used once by individual teachers in the course of relevant teaching activities and repeated once only when instructional reinforcement is necessary. The recordings may be shown in classrooms and similar places devoted to instruction within a single building, cluster, or campus, as well as in the homes of students receiving formalized home instruction, during the first ten (10) consecutive school days in the 45 calendar-day retention period.
3. Off-air recordings may be made only at the request of individual teachers, for use by those teachers. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.
4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording.
5. After the first ten (10) consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for teacher evaluation purposes; i.e., to determine whether or not to include the broadcast program in the teaching curriculum; they may not be used for student exhibition or any other non-evaluation purpose without authorization.
6. All copies of off-air recordings shall include the copyright notice on the broadcast programs as recorded.

Prohibited Uses:

1. Off-air recording in anticipation of teacher requests.
2. Using the recording for instruction after the ten (10) day use period.
3. Holding the recording for weeks or indefinitely because:
 - a. Units needing the program concepts are not taught within the ten (10) day use period.
 - b. An interruption or technical problems delayed its use.
 - c. Another teacher wishes to use it, or for any other supposedly "legitimate" educational reason.
4. On occasion a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer in accordance with this regulation.
5. Off-air recordings need not be used in their entirety but the content of recorded programs may not be altered. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

*** Note: The copying or use of programs transmitted via subscription television services, such as HBO or Showtime, is illegal. Such programs are licensed for private/home use only and may not be used in public schools. ***

Software Copyright

Permitted Uses:

Copies of district-owned software may be made only when:

1. The copy is needed as an essential step in using the computer program with a particular machine. This copy is to be used in no other way.
2. The copy is used for archival or “backup” purposes. This copy may be held only as a file copy and must be destroyed when the program is no longer rightfully owned by the District unless the copyright owner authorizes its sale, lease, or transfer as part of the sale, lease or transfer of the original program (United States Code, Title 17, Section 117).

Prohibited Uses:

1. Copies of copyrighted programs may not be used for any purpose other than the two permitted above.
2. When permission is obtained from the copyright holder to use software on a disk-sharing system, efforts will be made to secure software from copying.
3. Illegal copies of copyrighted programs shall not be made or used on school equipment.

Emerging Technologies

New technologies are easily changed or merged with one another. In all likelihood their potential for manipulation will result in the creation of new copyrightable forms of expression. These technologies include, but are not limited to digital video, video disk, satellite transmission, distance learning, CD-ROM, online databases (and their downloading), informational networks, and other educational interventions which can be manipulated into new copyrightable forms of expression.

When using the new technologies, staff and students need to be fully aware of the potential for copyright infringement. In the absence of clearly granted rights, it is recommended that staff or students contact the copyright holder in writing for permission to manipulate or use these technologies in alternative ways. This course of action will ensure compliance with the spirit and intent of the copyright law as it applies to the role of electronic information and its transfer and use.

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05/11/09

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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.aesoponline.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 yourchild;
- ❖ Your own serious health condition; or
- ❖ The serious health condition of your child, parent orspouse.

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 many require certification from your health care provider before allowing you a leave for pregnancy or you 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.

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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!