

Butte County Office of Education  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

**SERIES 4000 - PERSONNEL**

(Concepts/Roles § 4000   Certificated § 4100   Classified § 4200   Management § 4300)

**CONCEPT AND ROLES IN PERSONNEL..... SP 4000**

Absence Due to Quarantine.....SP 4019

Drug and Alcohol-Free Workplace.....SP 4020

Non-Discrimination in Employment .....SP 4030

    Regulations Regarding Complaints Concerning

    Discrimination in Employment .....AR 4030

Reasonable Accommodation .....SP 4032

Lactation Accommodation.....SP 4033

Employee Use of Technology.....SP 4040

    Regulations Regarding Employee Use of Technology .....AR 4040

**CERTIFICATED PERSONNEL..... SP 4100**

Recruitment and Selection .....SP 4111

    Regulations Regarding Recruitment and Selection .....AR 4111

Conditions of Employment .....SP 4112

Employment Contracts and Agreements.....SP 4112.1

Certification.....SP 4112.2

    Regulations Regarding Certification .....AR 4112.2

Oath or Affirmation.....SP 4112.3

Health Examinations .....SP 4112.4

    Health Examinations .....AR 4112.4

Criminal Record Check .....SP 4112.5

Employee Records.....SP 4112.6

    Regulations Regarding Employee Records .....AR 4112.6

Orientation for New Employees .....SP 4112.7

Employment of Relatives .....SP 4112.8

Employee Notifications.....SP 4112.9

    Regulations Regarding Staff Teaching English Language Learners.....AR 4112.22

    Regulations Regarding Special Education Staff .....AR 4112.23

Employee Assignments .....SP 4113

    Regulations Regarding Employee Assignments.....AR 4113

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Temporary Modified / Light Duty Assignment .....	SP 4113.4
Regulations Regarding Temporary Modified /Light Duty Assignment .....	AR 4113.4
Working Remotely .....	SP 4113.5
Remote Work Agreement .....	EXHIBIT A
Equipment List for Remote Work .....	EXHIBIT B
Transfers .....	SP 4114
Regulations Regarding Transfers .....	AR 4114
Performance Evaluation .....	SP 4115
Regulations Regarding Performance Evaluation .....	AR 4115
Resignation.....	SP 4117.2
Regulations Regarding Employment Status Reports .....	AR 4117.7
Suspension / Disciplinary Action.....	SP 4118
Regulations Regarding Suspension/Disciplinary Action .....	AR 4118
Children in the Workplace .....	SP 4119.2
Sexual Harassment.....	SP 4119.11
Regulations Regarding Sexual Harassment .....	AR 4119.11
Title IX Sexual Harassment Complaint Procedures.....	AR 4119.12
Code of Ethics .....	SP 4119.21
Regulations Regarding Code of Ethics .....	AR 4119.21
Rules of Conduct .....	Exhibit A
Dress Code .....	SP 4119.22
Unauthorized Release of Confidential / Privileged Information .....	SP 4119.23
Political Activities of Employees .....	SP 4119.25
Employees with Infectious Disease.....	SP 4119.41
Exposure Control Plan for Bloodborne Pathogens .....	SP 4119.42
Regulations Regarding Exposure Control Plan for Bloodborne Pathogens...	AR 4119.42
Universal Precautions .....	SP 4119.43
Regulations Regarding Universal Precautions .....	AR 4119.43
Other Personnel .....	SP 4120
Temporary Substitute Personnel .....	SP 4121
Regulations Regarding Temporary Substitute Personnel .....	AR 4121
Staff Development .....	SP 4131

**Butte County Office of Education**  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Publication or Creation of Materials.....	SP 4132
Soliciting and Selling .....	SP 4135
Non-School Employment .....	SP 4136
Collective Bargaining Agreement .....	SP 4141
Negotiations/Consultation.....	SP 4143
Public Notice – Personnel Negotiations .....	SP 4143.1
Complaint Procedure .....	SP 4144
Regulations Regarding Complaint Procedures .....	AR 4144
Employee Compensation .....	SP 4151
Regulations Regarding Employee Compensation .....	AR 4151
Health and Welfare Benefits.....	SP 4154
Awards and Recognition .....	SP 4156.2
Reimbursement, Loss of Personal Property .....	SP 4156.3
Employee Safety .....	SP 4157
Regulations Regarding Employee Safety .....	AR 4157
Regulation Regarding Work-Related Injuries .....	AR 4157.1
Leaves .....	SP 4161
Regulations Regarding Personal Illness / Injury Leave .....	AR 4161.1
Regulations Regarding Personal Leaves .....	AR 4161.2
Regulations Regarding Military Leaves .....	AR 4161.5
Regulations Regarding Family Care and Medical Leave .....	AR 4161.8
Catastrophic Leave.....	SP 4161.9
Regulations Regarding Catastrophic Leave.....	AR 4161.9
<b>CLASSIFIED PERSONNEL.....</b>	<b>SP 4200</b>
Recruitment and Selection .....	SP 4211 see SP 4111
Regulations Regarding Recruitment and Selection .....	AR 4211see AR 4111
Conditions of Employment .....	SP 4212 see SP 4112
Oath or Affirmation.....	SP 4212.3 see SP 4112.3
Health Examinations .....	SP 4212.4 see SP 4112.4
Criminal Record Check .....	SP 4212.5 see SP 4112.5
Employee Records.....	SP 4212.6 see SP 4112.6
Regulations Regarding Employee Records .....	AR 4212.6 see AR 4112.6

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Orientation for New Employees .....	SP 4212.7 see SP 4112.7
Employment of Relatives – Nepotism Policy .....	SP 4212.8 see SP 4112.8
Employee Notifications .....	SP 4212.9 see SP 4112.9
Employee Assignments .....	SP 4213 see SP 4113
Reclassification Process .....	SP 4213.1
Demotion / Reassignment .....	SP 4213.2
Temporary Modified / Light Duty Assignment .....	SP 4213.4 see SP 4113.4
Regulations Regarding Temporary Modified /Light Duty Assignment .....	AR 4213.4 see AR 4113.4
Working Remotely .....	SP 4213.5
Remote Work Agreement .....	EXHIBIT A
Equipment List for Remote Work .....	EXHIBIT B
Transfers .....	SP 4214 see SP 4114
Regulations Regarding Transfers .....	AR 4214 see AR 4114
Performance Evaluation .....	SP 4215 see SP 4115
Probationary / Permanent Status .....	SP 4216
Retirement .....	SP 4217.1 see SP 4117.1
Resignation.....	SP 4217.2 see SP 4117.2
Suspension / Disciplinary Action.....	SP 4218
Regulations Regarding Suspension/Disciplinary Action .....	AR 4218
Sexual Harassment.....	SP 4219.11 see SP 4119.11
Regulations Regarding Sexual Harassment .....	AR 4219.11 see AR 4119.11
Title IX Sexual Harassment Complaint Procedures.....	AR 4219.12 see AR 4119.12
Children in the Workplace .....	SP 4219.2 see SP 4119.2
Code of Ethics .....	SP 4219.21 see SP 4119.21
Regulations Regarding Code of Ethics .....	AR 4219.21 see AR 4119.21
Rules of Conduct .....	Exhibit A
Dress Code .....	SP 4219.22 see SP 4119.22
Unauthorized Release of Confidential / Privileged Information .....	SP 4219.23 see SP 4119.23
Political Activities of Employees .....	SP 4219.25 see SP 4119.25
Employees with Infectious Disease.....	SP 4219.41 see SP 4119.41
Exposure Control Plan for Bloodborne Pathogens .....	SP 4219.42 see SP 4119.42
Regulations Regarding Exposure Control Plan for Bloodborne Pathogens.....	AR 4219.42 see AR 4119.42

**Butte County Office of Education**  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Universal Precautions .....	SP 4219.43 see SP 4119.43
Regulations Regarding Universal Precautions .....	AR 4219.43 see AR 4119.43
Other Personnel .....	SP 4220
Staff Development .....	SP4231 see SP 4131
Publication or Creation of Materials.....	SP 4232 see SP 4132
Soliciting and Selling .....	SP 4235 see SP 4135
Non-School Employment .....	SP 4236 see SP 4136
Collective Bargaining Agreement .....	SP 4241 see SP 4141
Negotiations/Consultation.....	SP 4243 see SP 4143
Public Notice – Personnel Negotiations .....	SP 4243.1 see SP 4143.1
Complaint Procedure .....	SP 4244 see SP 4144
Regulations Regarding Complaint Procedures .....	AR 4244 see AR 4144
Employee Compensation and Related Benefits Salary Guides.....	SP 4251 see SP 4151
Regulations Regarding Employee Compensation .....	AR 4251 see AR 4151
Health and Welfare Benefits.....	SP 4254 see SP 4154
Awards and Recognition .....	SP 4256.2 see SP 4156.2
Reimbursement, Loss of Personal Property .....	SP 4256.3 see SP 4156.3
Employee Safety .....	SP 4257 see SP 4157
Regulations Regarding Employee Safety .....	AR 4257 see AR 4157
Regulation Regarding Work-Related Injuries .....	AR 4257.1 see AR 4157.1
Leaves .....	SP 4261
Regulations Regarding Personal Illness/Injury Leave .....	AR 4261.1
Regulations Regarding Personal Illness/Injury Leave .....	AR 4261.2
Regulations Regarding Military Leave .....	AR 4261.5 see AR 4161.5
Regulations Regarding Family Care and Medical Leave .....	AR 4261.8 see AR 4161.8
Catastrophic Leave.....	SP 4261.9 see SP 4161.9
Regulations Regarding Family Care and Medical Leave .....	AR 4261.9 see AR 4161.9
<b>MANAGEMENT / SUPERVISORY / CONFIDENTIAL PERSONNEL.....</b>	<b>SP 4300</b>
Recruitment and Selection .....	SP 4311 see SP 4111
Regulations Regarding Recruitment and Selection .....	AR 4311 see AR 4111
Conditions of Employment .....	SP 4312 see SP 4112
Oath or Affirmation.....	SP 4312.3 see SP 4112.3

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Health Examinations .....	SP 4312.4 see SP 4112.4
Criminal Record Check .....	SP 4312.5 see SP 4112.5
Employee Records.....	SP 4312.6 see SP 4112.6
Regulations Regarding Employee Records .....	AR 4312.6 see AR 4112.6
Orientation for New Employees .....	SP 4312.7 see SP 4112.7
Employment of Relatives – Nepotism Policy .....	SP 4312.8 see SP 4112.8
Employee Notifications .....	SP 4312.9 see SP 4112.9
Assignment.....	SP 4313
Reclassification Process .....	SP 4313.1
Demotion/Reassignment .....	SP 4313.2
Regulations Regarding Demotion/Reassignment .....	AR 4313.2
Temporary Modified / Light Duty Assignment .....	SP 4313.4 see SP 4113.4
Regulations Regarding Temporary Modified /Light Duty Assignment .....	AR 4313.4 see AR 4113.4
Working Remotely .....	SP 4313.5
Remote Work Agreement.....	EXHIBIT A
Equipment List for Remote Work .....	EXHIBIT B
Transfers .....	SP 4314
Regulations Regarding Transfers .....	AR 4314
Evaluation .....	SP 4315
Competence in Evaluation .....	SP 4315.1
Probationary/Permanent Status.....	SP 4316
Retirement .....	SP 4317.1 see SP 4117.1
Resignation.....	SP 4317.2 see SP 4117.2
Personnel Reduction .....	SP 4317.3
Suspension / Disciplinary Action.....	SP 4318 see SP 4118
Sexual Harassment.....	SP 4319.11 see SP 4119.11
Regulations Regarding Sexual Harassment .....	AR 4319.11 see AR 4119.11
Title IX Sexual Harassment Complaint Procedures.....	AR 4319.12 see AR 4119.12
Children in the Workplace .....	SP 4319.2 see SP 4119.2
Code of Ethics .....	SP 4319.21 see SP 4119.21
Regulations Regarding Code of Ethics .....	AR 4319.21 see AR 4119.21
Rules of Conduct .....	Exhibit A

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

Dress Code .....	SP 4319.22 see SP 4119.22
Unauthorized Release of Confidential / Privileged Information .....	SP 4319.23 see SP 4119.23
Political Activities of Employees .....	SP 4319.25 see SP 4119.25
Employees with Infectious Disease.....	SP 4319.41 see SP 4119.41
Exposure Control Plan for Bloodborne Pathogens .....	SP 4319.42 see SP 4119.42
Regulations Regarding Exposure Control Plan for Bloodborne Pathogens.....	AR 4319.42 see AR 4119.42
Universal Precautions .....	SP 4319.43 see SP 4119.43
Regulations Regarding Universal Precautions .....	AR 4319.43 see AR 4119.43
Other Personnel.....	SP 4320 see SP 4120
Staff Development .....	SP 4331 see SP 4131
Publication or Creation of Materials.....	SP 4332 see SP 4132
Soliciting and Selling .....	SP 4335 see SP 4135
Non-School Employment .....	SP 4336 see SP 4136
Complaint Procedure .....	SP 4344 see SP 4144
Regulations Regarding Complaint Procedures .....	AR 4344 see AR 4144
Employee Compensation and Related Benefits Salary Guides.....	SP 4351 see SP 4151
Regulations Regarding Employee Compensation .....	AR 4351 see AR 4151
Health and Welfare Benefits.....	SP 4354 see SP 4154
Awards and Recognition .....	SP 4356.2 see SP 4156.2
Reimbursement, Loss of Personal Property .....	SP 4356.3 see SP 4156.3
Employee Safety .....	SP 4357 see SP 4157
Regulations Regarding Employee Safety .....	AR 4357 see AR 4157
Regulation Regarding Work-Related Injuries .....	AR 4357.1 see AR 4157.1
Leaves .....	SP 4361
Regulations Regarding Personal Illness / Injury Leave .....	AR 4361.1 see AR 4161.1
Regulations Regarding Personal Leaves .....	AR 4361.2 see AR 4161.2
Regulations Regarding Military Leave .....	AR 4361.5 see AR 4161.5
Regulations Regarding Family Care and Medical Leave .....	AR 4361.8 see AR 4161.8
Catastrophic Leave.....	SP 4361.9 see SP 4161.9
Regulations Regarding Catastrophic Leave.....	AR 4361.9 see AR 4161.9
Vacation / Holidays .....	SP 4362

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### SP 4000

#### CONCEPTS AND ROLES IN PERSONNEL

The County Superintendent desires to attract and retain the best qualified persons for the benefit and welfare of students in the Butte County Office of Education programs and in order to meet the needs of the school districts served.

The County Superintendent believes that personnel policies must be:

1. implemented in an atmosphere of mutual trust and good will;
2. be consistent with the policies established by the Butte County Office of Education in the areas that reflect its responsibilities; and
3. be consistent with state and federal rules and regulations.

#### Role of the County Superintendent

- Employ all certified, classified, and management personnel
- Assign, direct, and supervise, either directly or through staff, the work of all employees
- Determine salary schedules for unrepresented and management employees
- Negotiate with employee organization.
- Establish beneficial working conditions
- Hear appropriate appeals as required and requested
- Foster and support equal employment opportunities
- Foster and support a high level of employee performance and satisfaction
- Utilize staff effectively
- Attract and retain qualified employees
- Plan and organize employee work assignments
- Evaluate employees to enhance performance and improve educational services
- Implement appropriate disciplinary action, as reasonable and necessary, according to the County Superintendent policies and collective bargaining agreements

#### Legal Reference:

##### Education Code

35020 Duties of employees fixed by governing board

35035 Powers and duties of County Superintendent

35160 Authority of governing board

44395 et seq. National Board for Professional Teaching Standards Certification Incentive Program

et seq. CA Peer Assistance and Review Program for Teachers

##### Government Code

3540-3549.3 Public educational employer-employee relations

12940 et seq. Discrimination prohibited; Unlawful practices generally

Approved: July 2004

Revised: August 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### SP 4019

#### EMPLOYEE ABSENCE DUE TO QUARANTINE

##### DEFINITIONS

**Employee:** For the purpose of this policy, staff member shall refer to full-time and part-time certificated and classified employees of Butte County Office of Education.

The purpose of this policy is to establish guidelines for absence due to temporary inability to perform job duties because the staff member has been quarantined.

##### PROCEDURE

1. Staff members shall provide written verification from a qualified medical professional requiring absence due to quarantine as defined by the County Health Officer.
2. Such verification shall give a beginning and ending date of quarantine period.
3. Accommodations will be made to allow the employee to complete essential work from home with the approval of the County Superintendent and/or designee (Deputy/Associate/Assistant Superintendents).
4. Staff who self-select to quarantine without a medical note may use accumulated sick leave, vacation, comp time or any other available leave option.
5. Staff with a verified County Health Officer quarantine shall not be required to use accumulated sick (or other) leave.

Approved: March 2020

Reviewed: October 2024

**SP 4020**  
**DRUG AND ALCOHOL-FREE WORKPLACE**

The County Superintendent believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace.

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform the duties of their position.

The County Superintendent or designee shall notify employees of the prohibition against drug use and the actions that will be taken for violation of such prohibition.

An employee shall abide by the terms of this policy and shall notify Butte County Office of Education, within five days, of their conviction for violation in the workplace of any criminal drug statute.

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

In accordance with law and collective bargaining agreements, the County Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

**Drug-Free Awareness Program**

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

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

**Legal Reference:**

<b>State</b>	
EDUCATION CODE	
44011	Controlled substance offense
44425	Conviction of controlled substance offenses as ground 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

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

45123	Employment after conviction of controlled substance offense
45304	Compulsory leave of absence for classified persons
GOVERNMENT CODE	
8350-8357	Drug-free workplace
<b>Federal</b>	
UNITED STATES CODE, Title 20	
7111-7117	Safe and Drug Free Schools and Communities Act
UNITED STATES CODE, Title 21	
812	Schedule of controlled substances
UNITED STATES CODE, Title 41	
701-707	Drug-Free Workplace Act
CODE OF FEDERAL REGULATIONS, Title 21	
1308.01-1308.49	Schedule of controlled substances

Approved:        November 2010  
                     November 2015  
                     October 2025

**SP 4030**

**NON-DISCRIMINATION IN EMPLOYMENT**

The Butte County Office of Education (BCOE) is determined to provide a safe, positive environment where all employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with BCOE to provide services, as applicable.

No BCOE 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, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

BCOE shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law. (2 CCR 11028)

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:

Discrimination in hiring, compensation, terms, conditions, and other privileges of employment

Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

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

Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

Although complaints of sexual harassment may be addressed through this Nondiscrimination in Employment policy, any complaint that meets the more stringent definition of sexual harassment pursuant to 34 CFR 106.30 shall be investigated and resolved in accordance with 34 CFR 106.44-106.45.

Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the BCOE's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

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 a job-related need or business necessity

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 who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

BCOE also prohibits retaliation against any employee who opposes any discriminatory employment practice by BCOE or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in BCOE's complaint process pursuant to this policy. No employee 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; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases the employee's right to file a claim against BCOE or to disclose information about harassment or other unlawful employment practices. (Government Code 12964.5)

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, including harassment of an employee by a nonemployee, shall report the incident to the County Superintendent or designee as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. BCOE shall protect any employee who reports such incidents from retaliation.

The County Superintendent or designee shall use all appropriate means to reinforce BCOE's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of BCOE's policies and regulations regarding discrimination. The County Superintendent or designee shall regularly review BCOE's employment practices and, as necessary, shall take action to ensure compliance with the nondiscrimination laws.

Any 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.

The County Superintendent has designated the following position to be the Coordinator for Nondiscrimination in Employment:

Mikeial Williamson  
Assistant Superintendent – Human Resources  
1859 Bird Street  
Oroville, CA 95965  
530-532-5650  
mwilliamson@bcoe.org

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### 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, especially:

12940-12952 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

#### PENAL CODE

422.56 Definitions, hate crimes

#### CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment, especially:

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11027-11028 National origin and ancestry discrimination

#### 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

#### COURT DECISIONS

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

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

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

APPROVED: March, 2010  
REVISED: November, 2015  
December, 2020

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **AR 4030**

#### **Non-discrimination In Employment Personnel**

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the Butte County Office of Education (BCOE) shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

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

Mikeial Williamson  
Assistant Superintendent – Human Resources  
1859 Bird Street  
Oroville, CA 95965  
530-532-5650  
mwilliamson@bcoe.org

#### Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in BCOE employment, the Superintendent or designee shall implement the following measures:

Display in a prominent and accessible location at every work site where BCOE has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Department of Fair Employment and Housing (DFEH) posters on the prohibition of workplace discrimination and harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth (Government Code 12950; 2 CCR 11013, 11023, 11049)

Publicize BCOE's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)

Including them in each announcement, bulletin, or application form that is used in employee recruitment

Posting them in all BCOE schools and offices, including staff lounges and other prominent locations

Posting them on BCOE's web site and providing easy access to them through BCOE-supported social media, when available

Disseminate BCOE's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods: (2 CCR 11023)

Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return

Sending a copy via email with an acknowledgment return form



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Posting a copy on BCOE intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies

Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session

Any other way that ensures employees receive and understand the policy

Provide to employees a handbook which contains information that clearly describes BCOE's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior

Provide training to employees, volunteers, and interns regarding BCOE's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training supervisors of the requirement to report any complaint of misconduct to a designated representative, such as to BCOE's Coordinator, as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023) In addition, BCOE may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

Periodically review BCOE's recruitment, hiring, and promotion processes and practices as well as regularly monitor the terms, conditions, and privileges of employment to ensure BCOE compliance with nondiscrimination laws

For any BCOE facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce (2 CCR 11023)

#### Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with SR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

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

Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the County Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

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, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

**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 alleged discriminatory or harassing 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 BCOE'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 also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin 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.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

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

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

**Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties 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 shall also include any 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 is prevented. The report shall be presented to the County Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**Appeal:** The complainant or the person accused may appeal any coordinator's findings to the County Superintendent. Upon receiving an appeal, the County Superintendent shall schedule a meeting as soon as practicable. The County Superintendent shall attempt to render a decision within 30 days. All appeals shall be resolved within 60 days from the date the appeal was filed.

#### Other Remedies

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

For filing a complaint with DFEH alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)

For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

For filing a 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)

APPROVED: March, 2010

REVISED: December, 2015

December, 2020

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### SP 4032

#### REASONABLE ACCOMMODATION

Except when undue hardship would result to Butte County Office of Education (BCOE), the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, any qualified job applicant with a disability
2. To enable any qualified employee with a disability to perform the essential functions of the position they hold or desire to hold or to enjoy equal benefits or other terms, conditions, and privileges of employment as other similarly situated employees without disabilities

No employee or job applicant who requests an accommodation for their physical or mental disability shall be subjected to discrimination or to any punishment or sanction, regardless of whether the request for accommodation was granted.

(Government Code 12940)

The Superintendent or designee designates the position specified in AR 4030 - Nondiscrimination in Employment as the Coordinator for Nondiscrimination in Employment of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

#### Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 29 CFR 1630.2)

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

Limits shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations unless the mitigating measure itself limits a major life activity. (Government Code 12926)

Essential functions are the fundamental job duties of the position the individual with a disability holds or desires. The term does not include the marginal functions of the position. (Government Code 12926; 29 CFR 1630.2)

Reasonable accommodation means: (Government Code 12926; 29 CFR 1630.2)

1. For a qualified job applicant with a disability, modifications or adjustments to the job application process that enables them to be considered for the position they desire
2. For a qualified employee with a disability, modifications or adjustments to the work environment, or to the manner or circumstances under which the position the employee holds or desires is customarily performed, that enable them to perform the essential functions of that position or to enjoy equal benefits and privileges of employment as are enjoyed by BCOE's other similarly situated employees without disabilities

A qualified individual with a disability means a job applicant or employee with a disability who: (29 CFR 1630.15, 1630.2)

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position they hold or desire
2. Can perform the essential functions of the position with or without reasonable accommodation
3. Would not pose a significant risk of substantial harm, which cannot be eliminated or reduced by reasonable accommodation, to themselves or others in the job they hold or desire

Undue hardship is a determination based on an individualized assessment of current circumstances that shows that the provision of a specific accommodation would cause significant difficulty or expense to BCOE. (29 CFR 1630.2)

#### Request for Reasonable Accommodation

When requesting reasonable accommodation, an employee or their representative shall inform the employee's supervisor that they need a change at work for a reason related to a medical condition. The supervisor shall inform the coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform Human Resources (HR) that

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

they will need a reasonable accommodation during the process.

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

If the documentation submitted by the employee does not indicate the existence of a qualifying disability or explain the need for reasonable accommodation, HR shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, HR may require them to submit to an examination by a health care professional selected and paid for by BCOE.

BCOE may make a medical or psychological inquiry of a job applicant or require them to submit to a medical or psychological examination after they have been given a conditional offer of employment but before the commencement of their job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

HR shall not request any job applicant's or employee's genetic information except as authorized by law. (42 USC 2000ff-1, 42 USC 2000ff-5)

In accordance with the law, HR shall take steps to ensure the confidentiality of information related to medical conditions or history. As applicable, they shall notify the supervisor or manager of the qualified individual of any reasonable accommodation granted to the individual and may notify first aid and safety personnel when the disability of the qualified individual may require emergency treatment. (42 USC 12112)

#### **Granting Reasonable Accommodation**

Upon receiving a request for reasonable accommodation from a qualified individual with a disability, the HR Department shall:

1. Determine the essential functions of the job involved
2. Engage in an informal, interactive process with the individual to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential accommodations, and assess their effectiveness
3. Develop a plan for reasonable accommodation which will enable the individual to perform the essential functions of the job or gain equal access to a benefit or privilege of employment without imposing undue hardship on BCOE

A determination of undue hardship should be based on several factors, including: (29 CFR 1630.2)

- a. The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions and/or outside funding
- b. The overall financial resources of the facility making the accommodation, the number of persons employed at this facility, and the effect on expenses and resources of the facility
- c. The overall financial resources, number of employees, and the number, type, and location of facilities of BCOE
- d. The type of operation of BCOE including the composition, structure, and functions of the workforce and the geographic separateness and administrative or fiscal relationship of the facility making the accommodation to other county facilities
- e. The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business

HR may confer with the site administrator, any medical advisor chosen by BCOE, and/or other county staff before making a final decision as to the accommodation.

#### **Reasonable Accommodation Committee**

The HR Department may appoint a committee to review or assist in the development of appropriate plans to reasonably accommodate qualified individuals who request modifications or adjustments in their work duties or the environment

because of known physical or mental disabilities.

Committee members shall be selected on the basis of their knowledge of the specific functions and duties required in the position, the physical work environment, available accommodations, and other relevant issues. The committee may include an administrator, site administrator, medical advisor or rehabilitation specialist, and as necessary, a certificated and/or classified employee. Membership may change on a case-by-case basis.

At HR’s discretion, the employee or applicant requesting accommodation may participate in the committee's meetings. If the employee or applicant is excluded from the committee's meetings, HR shall communicate with them so that they have the opportunity to interact and contribute to planning the reasonable accommodation.

**Appeal Process**

Any qualified individual with a disability who is not satisfied with the decision of HR may appeal in writing to the Superintendent or designee. This appeal shall be made within 10 working days of receiving the decision and shall include:

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

The Superintendent or designee shall consult with HR and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the individual their decision within 15 working days of receiving the appeal.

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

*Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Superintendent to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Legal Reference:

State	Description
Civ. Code 51	Unruh Civil Rights Act
Gov. Code 12900-12996	Fair Employment and Housing Act
Federal	Description
28 CFR 35.101-35.190	Americans with Disabilities
Act 28 CFR 35.107	Nondiscrimination on basis of disability; complaints
28 CFR 36.101-36.608	Nondiscrimination on the basis of disability by public facilities
29 CFR 1630.2	Definitions
29 USC 701-794e	Vocational Rehabilitation Act 42
USC 12101-12213	Americans with Disabilities Act 42
USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008

Approved: October 2008

Revised: February 2023

Reviewed: October 2024

**SP 4033**

**LACTATION ACCOMMODATION**

The Superintendent recognizes the immediate and long-term health benefits of breastfeeding and desires to provide a supportive environment for any BCOE employee to express milk for an infant child upon returning to work following the birth of the child. Discrimination, harassment, and/or retaliation against any BCOE employee for seeking an accommodation to express breast milk for an infant child while at work is prohibited.

An employee shall notify the employee's supervisor or other appropriate personnel in advance of the intent to request an accommodation. The supervisor shall respond to the request and shall work with the employee to make arrangements. If needed, the supervisor shall address scheduling in order to ensure that the employee's essential job duties are covered during the break time.

Lactation accommodations shall be granted unless limited circumstances exist as specified in law. Before a determination is made to deny lactation accommodations to an employee, the employee's supervisor shall consult with the Superintendent or designee. When lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations. The Superintendent or designee shall provide a written response to any employee who was denied the accommodation(s).

The Superintendent shall include this policy in its employee handbook or in any set of policies that are made available to employees. In addition, the Superintendent or designee shall distribute the policy to new employees upon hire and when an employee makes an inquiry about or requests parental leave.

**Break Time and Location Requirements**

BCOE shall provide a reasonable amount of break time to accommodate an employee each time the employee has a need to express breast milk for an infant child. To the extent possible, any break time granted for lactation accommodation shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided the use of a private room or location, other than a bathroom, which may be the employee's work area or another location that is in close proximity to the employee's work area. The room or location provided shall meet the following requirements:

1. Is shielded from view and free from intrusion while the employee is expressing milk
2. Is safe, clean, and free of hazardous materials, as defined in Labor Code 6382
3. Contains a place to sit and a surface to place a breast pump and personal items
4. Has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump
5. Has access to a sink with running water and a refrigerator or, if a refrigerator cannot be provided, another cooling device suitable for storing milk in close proximity to the employee's workspace

If a multipurpose room is used for lactation, among other uses, the use of the room for lactation shall take precedence over other uses for the time it is in use for lactation purposes.

**Dispute Resolution**

An employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034.

Legal Reference:

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.



Butte County Office of Education  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

2 CCR 11035-11051	Unlawful sex discrimination: pregnancy, childbirth and related conditions
medical	
Civ. Code 43.3	<u>Right of mothers to breastfeed in any public or private location</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Gov. Code 12926	Definitions
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12945	Unlawful discrimination based on pregnancy, childbirth, or related
Lab. Code 1030-1034	medical conditions
Lab. Code 6382	Lactation Accommodation
	Procedure for listing hazardous substances
<b>Federal</b>	<b>Description</b>
29 USC 207	Fair Labor Standards Act
<b>Management Resources</b>	<b>Description</b>
CA Department of Industrial Relations Publication	Rest Periods/Lactation Accommodation, Frequently Asked Questions
California Department of Public Health Publication	Lactation Accommodation for Employers
CDC Publication	Lactation Support Program Toolkit
Fair Employment and Housing Commission Decision Tacos	Department of Fair Employment and Housing v. Acosta
Federal Register	(Chavez), FEHC Precedential Decision 09-03P, 2009
21, 2010, Vol.	Reasonable Break Time for Nursing Mothers, December 78, No. 244, pages 80073-70079
Health Resources & Services Admin Publication	The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008
Office of the Surgeon General Publication	The Surgeon General's Call to Action to Support Frequently Asked Questions- Break Time
Breastfeeding, 2011 U.S. DOL, Wage and Hour Div., Publication for Nursing Mothers	
U.S. DOL, Wage and Hour Div., Publication	Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev.
Website	April 2018
<u>Services</u>	<u>CSBA District and County Office of Education Legal</u>
Website	<u>California Department of Industrial Relations, Division of Standards Enforcement</u>
<u>Labor and</u>	<u>California Department of Public Health</u>
Website	<u>California Women, Infants and Children Program</u>
Website	<u>Centers for Disease Control and Prevention</u>
Website	<u>Health Resources and Services Administration</u>
Website	<u>Office of the Surgeon General</u>
Website	<u>U.S. Department of Labor, Wage and Hour Division, Break Time for</u>
	<u>Nursing Mothers</u>

Approved: April 2023

Reviewed: October 2024



### **SP 4040**

#### **EMPLOYEE USE OF TECHNOLOGY**

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

Employees shall be responsible for the appropriate use of technology and shall use County Office technology primarily for purposes related to their employment.

Butte County Office of Education (BCOE) technology includes but is not limited to, computers, BCOE computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off-site or through BCOE-owned or personally owned equipment or devices.

The Superintendent shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of County Office technology. Upon employment, whenever significant changes are made to the Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use BCOE technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by laws, BCOE policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is a matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors (Penal Code 313).

The Superintendent or designee shall ensure that all BCOE computers with internet access have technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose (20 USC 7131; 47 USC 254).

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by BCOE including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of BCOE technology at any time without advance notice or consent and for any reason allowed by law.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct BCOE business may be subject to disclosure, pursuant to a subpoena or other lawful request.

Employees shall report any security problem or misuse of County Office technology to the Superintendent or designee.

Inappropriate use of County Office technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Superintendent policy, and administrative regulation.

### Legal Reference:

#### GOVERNMENT CODE

3543.1 Rights of employee organizations

6250-6270 California Public Records Act

#### PENAL CODE

502 Computer crimes, remedies

632 Eavesdropping on or recording confidential communications

#### VEHICLE CODE

23123 Wireless telephones in vehicles

23123.5 Mobile communication devices; text messaging while driving

23125 Wireless telephones in school buses

#### UNITED STATES CODE, TITLE 20

7101-7122 Student Support and Academic Enrichment Grants

7131 Internet safety

#### UNITED STATES CODE, TITLE 47

254 Universal service discounts (E-rate)

#### CODE OF FEDERAL REGULATIONS, TITLE 47

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

#### COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

City of Ontario v. Quon et al. (2010) 000 U.S. 08-1332

### Management Resources:

#### WEB SITES

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

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

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

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

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

Approved: September 2013

Revised: November 2015

Revised: May 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### AR 4040

#### REGULATIONS REGARDING EMPLOYEE USE OF TECHNOLOGY

Employees are authorized to use Butte County Office of Education equipment to access the Internet or other online services in accordance with Superintendent's Policy, the Butte County Office of Education's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. Employees are responsible for the proper use of all user accounts issued to them. Employees shall keep account information, home addresses, and telephone numbers private. They shall use the system only under the account to which they have been assigned.
2. Employees will safeguard their Butte County Office of Education technology account password(s) by changing them regularly, by not disclosing them to anyone, and by not making a digital or hardcopy record of their Butte County Office of Education password(s).
3. Employees shall use the system safely, responsibly, and for work-related purposes.
4. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be alleged as unlawful discrimination, intimidation, bullying or cyberbullying, or construed as harassment or disparagement of others based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, genetic information, political beliefs, or any other characteristic identified in Education Code, Penal Code, or Government Code, or based on association with a person or group with one or more of these actual or perceived characteristics.
5. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Butte County Office of Education Superintendent's Policy, or Administrative Regulations.
6. Employees shall not use the system to engage in commercial or other for-profit activities without permission of the County Superintendent or designee.
7. Copyrighted material shall be posted online only in accordance with applicable copyright laws.
8. Employees shall not attempt to interfere with other users' ability to send or receive e-mail, nor shall they attempt to read, delete, copy, modify, or forge other users' e-mail.
9. Users shall report any security problem or misuse of services to the County Superintendent or designee.
10. There should not be an assumption on the part of any user that his/her data, e-mail or web usage are confidential. Butte County Office of Education is a public agency and all digital content is considered public information to the extent that such records or portions of them are protected from public disclosure.

#### Supervisor Obligations and Responsibilities

1. Supervisors will request the Information Technology help desk to issue user information to new users.
2. Supervisors will not ask for user passwords for security purposes.
3. If a supervisor believes that there is a potential issue of misuse, they must inform the appropriate Assistant Superintendent to request records from the user's computer.
4. The Assistant Superintendent will then confer with the Human Resources Assistant Superintendent on the rationale for obtaining records of a user.
5. The Human Resources Assistant Superintendent will then request copies of computer records for the Assistant Superintendent.

Approved: September 2013

Revised: November 2015

Reviewed: October 2024

**SP 4100**  
**CERTIFICATED PERSONNEL**

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

Each certificated staff member shall be held accountable for duties assigned to them and shall undergo regular performance evaluations in accordance with law and negotiated Collective Bargaining Agreements.

The County Superintendent strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

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

Legal Reference:

EDUCATION CODE									
44006	Certificated person								
90	Definition;		certificated		and		certified		
GOVERNMENT CODE									
3543.2	Scope			of			representation		
MANAGEMENT RESOURCES									
Website									
CSBA	District	and	County	Office	of	Education	Legal	Services	

Approved: July 2004

Revised: August 2023

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4112.5**

**AR 4212.5**

**AR 4312.5**

#### **CRIMINAL RECORD CHECK**

No person will be hired or retained in classified or certificated positions who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the County Superintendent or designee shall not deny or terminate employment if:

1. The conviction for a violent or serious felony, controlled substance offense, or sex offense is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
2. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
3. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that they have been rehabilitated for purposed of school employment for at least one year.
4. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. A person who has been convicted of a controlled substance offense is applying for or is employed in a classified position and has been determined by the County Superintendent, from the evidence presented, to have been rehabilitated for at least five years.

#### **Pre-Employment Record Check**

Each person to be employed shall be required to submit their fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the Live Scan request form to the applicant, and either conduct the Live Scan or for applicants in remote locations, a list of Live Scan locations in their area of residence/employment.

When a person is applying for a **classified** position, the County Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation.

The County Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted their fingerprints to the DOJ is not subsequently employed.

#### **Subsequent Arrest Notification**

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

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

#### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished and shall serve as the primary contact for the DOJ for any related issues.

Employees designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in the capacity.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging their understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested, and its contents shall not be disclosed or reproduced.

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

The County Superintendent or designee shall immediately notify the DOJ whenever a designated custodian or records ceases to serve in that capacity.

#### **Temporary Certificates of Clearance**

The County Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 4332.6 or 448310.1.

The Human Resources Department may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within Butte County who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential.

#### **Interagency Agreement**

Subject to an interagency agreement with local districts for the hiring of substitute teachers, Butte County Office of Education (BCOE) shall receive CORI on behalf of all participating districts.

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, BCOE shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for substitute teaching employment.

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on the common list of persons eligible for employment, BCOE shall give notice to the Superintendent of any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the authorized designee. The report shall be made available at BCOE for 30 days following the receipt of the notice.

BCOE shall not release a copy of that information to any participating district or any other person. In addition, BCOE shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

BCOE shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ.

### Legal Reference:

#### EDUCATION CODE

44010 Sex offense: definitions

44011 Controlled substance offense

44332-44332.6 Temporary certificate of clearance

44346.1 Applicants for credential; conviction of a violent or serious felony

44830.1 Criminal record summary certificated employees

44830.2 Certificated employees; interagency agreement for sharing criminal record information

44836 Employment of certificated persons convicted of controlled substance offences

44932 Grounds for dismissal of permanent employees

45122.1 Classified employees; conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements for criminal record information

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

#### PENAL CODE

11075-11081 Criminal record dissemination

11102.2 Maintenance of criminal offender records; custodian of records

11105 Access to criminal history information

11105.2 Subsequent arrest notification

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence

11140-11144 Furnishing of State Summary Criminal History Information

1192.7 Plea bargaining limitation

1203.4 Dismissal of conviction

13300-13305 Local summary criminal history information

667.5 Prior prison terms; enhancement of prison terms

#### California Code of Regulations Title 11

701-708 Criminal offender record information

720-724 Incomplete criminal history information

994-994.15 Certification of individuals who take fingerprint impressions

Approved: July 2004

Revised: August 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4111**

**SP 4211**

**SP 4311**

### **RECRUITMENT AND SELECTION**

Butte County Office of Education employees constitute the most valuable resource for efficiently providing educational services. The County Superintendent is committed to employing suitable, qualified individuals to effectively carry out Butte County Office of Education's (BCOE) vision, mission, and goals.

The County Superintendent or designee shall develop equitable, fair, and transparent recruitment and selection processes and procedures that ensure individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

When a vacancy occurs, the supervisor or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. They will work with Human Resources to ensure dissemination of job announcements to a wide range of candidates.

The selection procedures shall include screening processes, interviews, reference checks from previous employers, and observations or assessment test when appropriate, as necessary to identify the best possible candidate for a position.

The County Superintendent or designee shall establish an interview committee to rank candidates and recommend finalists. During job interviews, applicants may be asked to describe or demonstrate how they will be able perform the duties of the job. All discussions and recommendations shall be confidential in accordance with law.

No inquiry shall be made with regard to any information prohibited by state or federal nondiscrimination laws.

The County Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. They shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the County Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting.

For each position, the appropriate Cabinet member shall present to the County Superintendent the candidate(s) who meet all qualifications established by law and by job description and recommended by the interview committee. No person shall be employed by BCOE without the recommendation or endorsement of the County Superintendent or designee.

Legal Reference:

Education Code

200-262.4 Prohibition of discrimination

1311 Employment of persons to positions not requiring certification qualifications

44066 Restrictions on certification requirements

44259 Minimum requirements for preliminary multiple or single subject teaching credential

44830-44831 Employment of certificated persons

44858 Age or marital status in employment positions requiring certification qualifications

44859 Prohibition against certain rules and regulations re: residency



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

45103-45139 Employment (classified employees)

Code of Regulation, Title 5

30-31 Affirmative action employment programs

Government Code

12900 California Fair Employment and Housing Act

12940 et seq. Discrimination prohibited; unlawful practices, generally

Title VII

Civil Rights Act as amended by Title IX Equal Employment Opportunity Act

Immigration Reform and Control Act Of 1986

Approved: July 2004

Revised: April 2022

**AR 4111**  
**AR 4211**  
**AR 4311**

**REGULATIONS REGARDING RECRUITMENT AND SELECTION**

The County Superintendent is committed to an open and competitive system in recruiting and selecting personnel.

The position may be:

- 1. An administrative appointment by the County Superintendent;
- 2. An administrative transfer initiated by the County Superintendent;
- 3. A transfer opportunity, which may be requested by an employee;
- 4. A promotional opportunity for active employees; or
- 5. An open position for both active employees and outside candidates.

In order to promote consistent selection of quality personnel to fill positions for the Butte County Office of Education, the following selection procedures will be followed:

- 1. All proposed or potential employee positions will be submitted to Human Resources by submitting a Request for Recruitment form.
- 2. All newly created positions will be referred to the County Superintendent by the appropriate Cabinet Member with a recommendation for disposition.

**Recruitment**

Following the approval of a position, a formal announcement of the position will be published and distributed as appropriate.

The announcement must include:

- 1. General information about the position
- 2. Specific requirements of the position
- 3. The position's supervisory or directive sequence
- 4. The date and time the application is due
- 5. Salary range
- 6. Other information regarding the position, funding or other limitations and constraints

All recruitment announcements will be distributed appropriately. Posting of positions shall be as outlined in relevant bargaining unit agreements.

Posting of positions may be determined by position/location but shall be a minimum of:

Transfer Opportunity	5 working days
Promotional Opportunity/Only Active Employees	10 working days
Open Position for Active and Outside Candidates	10 working days
Management Openings	10 working days

“Open Until Filled” requires recruitment for no less than the minimum number of days.  
Working days are defined as days when the Butte County Office of Education is open for public business.

**Screening**

Following the closing date, application packets for positions will be screened for completeness by the screening committee. Application packets that are not complete will not be considered.  
The Chairperson will assist in the development of the screening criteria which may include testing or other requirements. The following testing requirements shall be part of the screening:

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

1. Candidates for positions requiring bilingual skills in a specified second language will be required to complete a written and/or verbal translation in the required language.
2. Candidates for Instructional Paraprofessional positions shall demonstrate proficiency in basic reading, writing, and mathematical skills.

All complete candidate application packets will be made available to the Screening Committee for the initial screening.

#### **Screening Committee**

The Chairperson will appoint the members of the Screening Committee. The chairperson of the committee must have completed Human Resources training for hiring practices and procedures as approved by the County Superintendent.

The Screening Committee shall consist of no less than two (2) members with representation by a management position and a peer position for which the person is applying. Peer positions on the screening and interview committees may be from any peer-level employee of Butte County Office of Education.

It will be the responsibility of the Screening Committee Chairperson to follow the candidate screening procedures as outlined.

It will be the task of the screening committee to screen all application packets for the open position and recommend candidates to the Cabinet Member for the interview process. The appropriate Cabinet Member may accept the slate of candidates as presented or may request that additional candidates be included in the interview process.

After the final list of candidates to be interviewed has been approved by the Cabinet Member, Human Resources will notify all other candidates of their non-selection by email. (Written information or explanations will not be given to non-selected candidates).

#### **Interview Committee**

The Chairperson will appoint the members of the Interview Committee. The Chairperson will assist in the development of interview criteria/questions. The chairperson of the committee must have completed Human Resources training for hiring practices and procedures as approved by the County Superintendent.

The Interview Committee will be composed of a minimum of three (3) members. The Committee shall consist of a minimum of one (1) management position, one (1) peer position (similar to the position for which the person is applying), and a member at large from the department or site to which the person will be assigned.

Peer positions on the screening and interview committees may be from any peer-level employee of Butte County Office of Education.

The County Superintendent and/or Cabinet Member may also participate in the interviews when deemed appropriate.

It will be the responsibility of the Chairperson to notify Human Resources of the time, date, place, and interview candidates.

It will be the responsibility of the Chairperson to follow the procedures as outlined.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

It will be the task of the Interview Committee to interview the candidates and make a recommendation to the appropriate Cabinet Member of the candidates (in rank order) who most nearly match the criteria of the announced position. The Cabinet Member may either accept the recommendations and make a recommendation to the County Superintendent for employment or request additional information regarding the recommendations for other candidates to be interviewed.

For multiple positions, recommendations will be made for the number of positions available rather than three candidates in rank order for each position.

A minimum of three (3) relevant references from previous employers for each candidate will be checked by the members of the Interview Committee for any management position [at least two (2) references for non-management] prior to making a recommendation to the County Superintendent.

The Cabinet Member will provide the County Superintendent with the names of up to three (3) top candidates in rank order for a final decision.

The County Superintendent will make all final employment decisions. Notification will not be given until the County Superintendent has approved the selection.

After a final selection has been made, it will be the responsibility of the appropriate Chairperson to notify Human Resources and all selected candidates of their selection. Non-selected candidates will be notified by a personal telephone call from the Chairperson. Written or verbal information or explanation will not be given to non-selected candidates. If the candidate cannot be personally reached after three (3) attempts or does not return the Chairperson's call, Human Resources will be notified to send a notification by email using the email provided on the employment application.

The Superintendent or designee shall not inquire, orally or in writing, in regard to an applicant's salary history information, including compensation and benefits. They shall also not rely on salary history information as a factor in determining whether to offer employment to an applicant or the salary to offer. However, the Superintendent or designee may consider salary information that is disclosable under state or federal law or that the applicant discloses voluntarily and without prompting. (Labor Code 432.3)

Approved: July 2004

Revised: May 2023

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### SP 4312

#### CONDITIONS OF EMPLOYMENT

The County Superintendent shall approve the appointment of all certificated and classified employees. Conditions of employment include but are not limited to the following:

- Completing all recruitment requirements successfully
- Providing appropriate credentials and licenses as required by the job description
- Signing all documents as legally required
- Providing proof of eligibility to work in the United States
- Passing criminal records check/fingerprinting
- Providing proof of freedom from active tuberculosis
- Passing a job-related physical examination when required and as appropriate
- Fulfilling any other requirements as specified by law, collective bargaining agreement, Superintendent policy, or administrative regulation

#### Health Examinations

The County Superintendent reserves the right to request a physical examination of a prospective employee by a designated medical practitioner.

#### Certificated Personnel

- The County Superintendent will not employ any certificated person who has not either demonstrated required basic skills proficiency, or is otherwise exempt pursuant to Education Code 44830
- The County Superintendent may make provisions for teachers to hold emergency or provisional credentials in order to teach, providing no acceptable regularly credentialed teachers are available and meet the needs of the Butte County Office of Education
- The County Superintendent directs that all employees take personal responsibility for renewing their credentials/licenses/permits
- Each credential/license/permit actively used or required by the job description must be registered with the Butte County Office of Education prior to the first day of paid service. No warrant shall be issued to any certificated employee who has failed to register and maintain the necessary credential/licensing with the Butte County Office of Education
- A certificated employee shall be notified at the time of initial employment during each academic year, and each new certificated employee of the County Office of Education shall receive a written statement indicating their employment status and the salary they are to be paid. If a certificated person is hired as a temporary employee, the written statement shall clearly indicate the temporary nature of the employment. If a written statement does not indicate the temporary nature of the employment, the certificated employee shall be deemed to be a probationary employee, unless employed with permanent status.

#### Certificated/Classified Management

Certificated/Classified Management employees are at-will employees unless otherwise provided by written contract or law.

#### Classified Employees

Classified employees are entitled to continuing employment unless otherwise notified in writing.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

When first employed and upon each subsequent change in classification, classified employees, other than short-term, limited-term or provisional employees shall be given access to a copy of their class specification, salary data, assignment or work location, duty hours, and prescribed work week. Salary data shall specify pay period and applicable rates of compensation, (daily, hourly, overtime and differential rates).

### Legal Reference:

EDUCATION CODE 32340-32341 Unlawful issuance of a credential

44009 Conviction of Specified Crimes

44010 Sex offense; definitions

44011 Controlled substance offense

44066 Restrictions on certification requirements

44250-44279 Credential types

44251 Period of credentials

44252 Issuance and renewal; basic skills proficiency test or criteria

44252.5 State basic skills proficiency test; administration; rules and regulations

44300-44303 Emergency permits

44277 Minimum requirements for maintaining valid teaching credentials

44278 Appeal; adverse actions related to programs of professional growth

44325-44328 District interns

44330-44355 Certificates and credentials

44830 Employment of certificated persons; requirement of proficiency in basic skills

44830.1 Criminal record summary certificated employees

44836 Employment of certificated persons convicted on controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate; periodic medical examination

44857 Registration of certification document

44916 Time of classification; written statement of employment status

45104 Positions not requiring certification qualifications

45122 Physical examinations

45122.1 Classified employees; conviction of a violent or serious felony

45169 Notification of Classification and Compensation

49406 Examination for tuberculosis

### GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

### PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

### WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Approved: July 2004

Revised: August 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4112**

**SP 4212**

**SP 4312**

### **CONDITIONS OF EMPLOYMENT**

The County Superintendent shall approve the appointment of all certificated and classified employees. Conditions of employment include but are not limited to the following:

- Completing all recruitment requirements successfully
- Providing appropriate credentials and licenses as required by the job description
- Signing all documents as legally required
- Providing proof of eligibility to work in the United States
- Passing criminal records check/fingerprinting
- Providing proof of freedom from active tuberculosis
- Passing a job-related physical examination when required and as appropriate
- Fulfilling any other requirements as specified by law, collective bargaining agreement, Superintendent policy, or administrative regulation

### **Health Examinations**

The County Superintendent reserves the right to request a physical examination of a prospective employee by a designated medical practitioner.

### **Certificated Personnel**

- The County Superintendent will not employ any certificated person who has not either demonstrated required basic skills proficiency, or is otherwise exempt pursuant to Education Code 44830
- The County Superintendent may make provisions for teachers to hold emergency or provisional credentials in order to teach, providing no acceptable regularly credentialed teachers are available and meet the needs of the Butte County Office of Education
- The County Superintendent directs that all employees take personal responsibility for renewing their credentials/licenses/permits
- Each credential/license/permit actively used or required by the job description must be registered with the Butte County Office of Education prior to the first day of paid service. No warrant shall be issued to any certificated employee who has failed to register and maintain the necessary credential/licensing with the Butte County Office of Education
- A certificated employee shall be notified at the time of initial employment during each academic year, and each new certificated employee of the County Office of Education shall receive a written statement indicating their employment status and the salary they are to be paid. If a certificated person is hired as a temporary employee, the written statement shall clearly indicate the temporary nature of the employment. If a written statement does not indicate the temporary nature of the employment, the certificated employee shall be deemed to be a probationary employee, unless employed with permanent status.

### **Certificated/Classified Management**

Certificated/Classified Management employees are at-will employees unless otherwise provided by written contract or law.

### **Classified Employees**

Classified employees are entitled to continuing employment unless otherwise notified in writing.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

When first employed and upon each subsequent change in classification, classified employees, other than short-term, limited-term or provisional employees shall be given access to a copy of their class specification, salary data, assignment or work location, duty hours, and prescribed work week. Salary data shall specify pay period and applicable rates of compensation, (daily, hourly, overtime and differential rates).

### Legal Reference:

EDUCATION CODE 32340-32341 Unlawful issuance of a credential

44009 Conviction of Specified Crimes

44010 Sex offense; definitions

44011 Controlled substance offense

44066 Restrictions on certification requirements

44250-44279 Credential types

44251 Period of credentials

44252 Issuance and renewal; basic skills proficiency test or criteria

44252.5 State basic skills proficiency test; administration; rules and regulations

44300-44303 Emergency permits

44277 Minimum requirements for maintaining valid teaching credentials

44278 Appeal; adverse actions related to programs of professional growth

44325-44328 District interns

44330-44355 Certificates and credentials

44830 Employment of certificated persons; requirement of proficiency in basic skills

44830.1 Criminal record summary certificated employees

44836 Employment of certificated persons convicted on controlled substance offenses

44837 Employment of sexual sociopath

44838 Statement of military service

44839 Medical certificate; periodic medical examination

44857 Registration of certification document

44916 Time of classification; written statement of employment status

45104 Positions not requiring certification qualifications

45122 Physical examinations

45122.1 Classified employees; conviction of a violent or serious felony

45169 Notification of Classification and Compensation

49406 Examination for tuberculosis

### GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

### PENAL CODE

290 Registration of sex offenders

290.95 Disclosure by persons required to register as sex offenders

### WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

Approved: July 2004

Revised: August 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **AR 4112.1**

#### **EMPLOYMENT CONTRACTS AND AGREEMENTS**

Upon initial employment, an acknowledgment of employment will be provided to the certificated employee stating the number of days of service, start date, salary and other relevant information deemed appropriate by the County Superintendent. In the case of temporary employees, this statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. The Human Resources Department shall be responsible for issuing and maintaining accurate employment records. Changes to the original contract are to be recorded and notification given to the employee.

#### **Reemployment Notices**

Probationary and permanent certificated employees may be requested to notify Butte County Office of Education of their intent to remain in the Butte County Office of Education service for the next school year. Such request for notification must be served either personally upon the employee or mailed by United States certified mail with return receipt requested to their last known place of address no later than May 30 and shall include a copy of Education Code 44842. If the employee, without good cause, fails to notify the Human Resources Office before July 1 that they will remain in the Butte County Office of Education service, the County Superintendent may consider the employee to have declined re-employment and the employee's services may be terminated on June 30 of that year.

Legal Reference:

EDUCATION CODE

44842 Failure to notify governing board of intention to remain; failure to report for duty

44832 Teachers; notice of intent to return

Approved: July 2004

Revised: September 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **SP 4112.2**

#### **CERTIFICATION**

The County Superintendent or designee shall ensure that persons employed to fill positions requiring certification qualifications possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or county requirements for the position.

Assistance and support shall be provided to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

#### **Priorities for Hiring Based on Unavailability of Credentialed Teacher**

The County Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher (an individual who has completed a teacher preparation program) who is authorized in the subject or setting for each assignment, or when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, the County Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order:

1. A candidate who enrolls in a CTC-approved internship program in the region of Butte County Office of Education (BCOE).
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by BCOE. (Cal. Educ. Code § 44225.7.)

If a suitable individual who meets the priorities listed in #1 and #2 above is not available to the County Office, BCOE, as a last resort, may request approval for the assignment of a person who does not meet that criteria.

Annually, prior to requesting the CTC issue certain emergency permits and limited assignment permits, a Declaration of Need for Fully Qualified Educators will be prepared and approved.

#### **Parental Notifications**

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

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
3. Is teaching in the field of discipline of the teacher's certification.

In addition, the County Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned or has been taught for four or more consecutive weeks, by a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

#### **Responsibility for Renewal**

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

#### **No Pay for Invalid Credential**

Employees in positions requiring a credential who do not possess a valid credential cannot be compensated. (Cal. Educ. Code § 45034).

#### **Responsibility for Registration**

Each credential actively used by a teacher must be registered by the teacher with BCOE.

#### **Certification and Registration Required**

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Teachers whose credentials are not on file with BCOE as required by law may be subject to disciplinary action.

### **Emergency Permits**

Teachers may teach on emergency permits, in accordance with Education Code provisions.

Legal Reference:

#### **State**

##### EDUCATION CODE

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

42647 Eligibility to issue warrants

44066 Limitations on certification requirements

44200-44418 Teacher credentialing

44250-44277 Credentials types

44300-44302 Emergency permit

44325-44328 District interns

44330-44355 Certificates and credentials

44420-44440 Revocation and suspension of credentials

44450-44468 University Internship program

44830-44929 Employment of certificated persons; requirement of proficiency basic skills

45034 Drawing of order for warrant

45036 Noncertificated employees serving in a certificated position

California Code of Regulations, Title 5

80001-80694 Commission on Teacher Credentialing

#### **Federal**

United States Code, Title 20

6312 Title I local educational agency plans; notifications regarding teacher qualifications

Code of Federal Regulations, Title 34

200.61 Parent notification regarding teacher qualifications

Approved: November 2006

Revised: May 2022

October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### AR 4112.2

#### REGULATIONS REGARDING CERTIFICATION

The County Superintendent or designee shall verify that each employee in a position requiring certification qualifications possesses a valid credential or permit issued by the Commission on Teacher Credentialing (CTC). Such verification shall occur not later than 60 days after the commencement of employment or the renewal of a credential. (Education Code 44857)

To authorize salary payments, the County Superintendent or designee may issue a Temporary County Certificate to any certificated employee who is employed by Butte County Office of Education (BCOE) while their application for certification is being processed by the CTC. A Temporary County Certificate may only be issued upon verification that the certificated employee has satisfied the Basic Skills Requirement and has completed a criminal background check with the CTC. The Temporary County Certificate shall not be valid for more than one calendar year from the date of issuance. If, however, the certificated employee is a preschool employee whose child development permit application is being processed by the CTC, only verification that the preschool employee has completed a criminal background check with the CTC is required to be issued a Temporary County Certificate. Such certificate for a preschool employee shall be valid for not more than 90 schooldays and only until the permit originally requested is either issued or denied by the CTC. (Education Code 44332, 44332.6, 8302)

The County Superintendent or designee shall maintain records of the appropriate certification of all employees serving in certificated positions.

#### Basic Skills Proficiency

BCOE shall not initially hire, on a permanent, temporary, or substitute basis, a certificated person seeking employment in the capacity designated in their credential unless that person has demonstrated basic skills proficiency in reading, writing, and mathematics or is specifically exempted from the requirement by law. (Education Code 44252, 44252.6, 44830)

There may be limited times when demonstrated basic skills proficiency may be waived or deferred by the CTC as a requirement for a credential or a permit. The County Superintendent or designee will determine if a BCOE-specific proficiency test is to be administered prior to hiring any certificated employee who holds a CBEST Variable Term Waiver, a CTC-issued credential or permit with a CBEST deferral, or an Emergency 30-Day Substitute Teaching Permit issued under the provisions of SB 1397.\* These individuals may remain employed by BCOE as long as they hold a valid, unexpired CTC-issued document which authorizes the service to be performed. Certificated employees shall not retain employment with BCOE if their credential or permit cannot be reissued or renewed due to not meeting the Basic Skills requirement in a timely manner.

*\*Passage of SB 1397 waived the Basic Skills Requirement for first-time applicants for the Emergency 30-Day Substitute Teaching Permit from 1/1/2023 to 7/1/2024.*

An out-of-state prepared teacher shall meet the Basic Skills Requirement within one year of being issued a California preliminary credential by the CTC unless they an exemption applies. An out-of-state prepared teacher applying to the CTC for a California preliminary credential, pending completion of the Basic Skills Requirement, shall pass BCOE's Basic Skills proficiency test which is at least equivalent to the BCOE test required for high school graduation. (Education Code 44252, 44274.2; 5 CCR 80071.4, 80413.3)

#### Priorities for Hiring Based on Unavailability of Credentialed Teacher

The County Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher who is authorized in the subject or setting for each assignment, or when necessary, a fully prepared teacher serving on a local assignment option. Whenever a teacher with a clear or preliminary credential is not available, the County Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order:

1. A candidate who is qualified to participate in and enrolls in a CTC-approved internship program in the region of BCOE.
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who is provided orientation, guidance, and assistance by BCOE.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

If a suitable individual who meets the priorities listed in #1 and #2 above is not available to the County Office, BCOE, as a last resort, may request approval for the assignment of a person who does not meet that criteria.

### Emergency Permits

BCOE may request an emergency teaching permit when unable to sufficiently recruit fully credentialed staff to fulfill employment needs. An emergency teaching permit allows a qualified individual who has met minimum permit requirements to be employed while completing the remaining requirements for their intended credential.

BCOE may request the following emergency permits:

- Limited Assignment Permits in General and Special Education (GELAP and SELAP)
- Provisional Internship Permit (PIP)
- Short-Term Staff Permit (STSP)
- Teaching Permit for Statutory Leave (TPSL)

BCOE may also request an emergency permit authorizing Resource Specialist, Crosscultural, Language and Academic Development (CLAD), Bilingual Authorization, or Teacher Librarian Services as needed.

In order to request certain emergency permits, BCOE shall annually submit a County Superintendent-approved Declaration of Need for Fully Qualified Educators on a form provided by the CTC satisfying the conditions of 5 CCR 80026. The declaration shall include certification that BCOE has made reasonable efforts to recruit a fully prepared teacher for the assignment. The County Superintendent shall publicly announce his or her intent to adopt a Declaration of Need for Fully Qualified Educators at least 72 hours prior to adopting the Statement.

#### 1. Limited Assignment Permits in General and Special Education (GELAP and SELAP)

BCOE may request a limited assignment permit for an applicant who meets the qualifications to meet a staffing vacancy or need.

- a) A General Education Multiple Subject Limited Assignment Teaching Permit authorizes the holder to teach self-contained classes such as those generally found in elementary schools
- b) The General Education Single Subject Limited Assignment Teaching Permit authorizes the holder to teach departmentalized courses within the authorized field(s) named on the document, such as those generally found in middle and high schools
- c) The Special Education Limited Assignment Permit authorizes the holder to teach in the area of specialization listed on the permit including resource rooms or services; special education settings; general education settings; special schools; home/hospital settings; state hospitals; development centers; correctional facilities; non-public, non-sectarian schools and agencies; alternative and non-traditional instructional public school settings other than classroom

#### 2. Short-Term Staff Permit

BCOE may request that the CTC issue a Short-Term Staff Permit (STSP) to an applicant who meets the qualifications whenever there is a need to immediately fill a classroom based on unforeseen circumstances, including, but not limited to:

- a) Enrollment adjustments requiring the addition of another teacher
- b) Inability of the teacher of record to finish the school year due to approved leave or illness
- c) The applicant's need for additional time to complete pre-service requirements for enrollment into a CTC-approved internship program
- d) Inability of the applicant to enroll in a CTC-approved internship program due to timelines or lack of space in the program,
- e) Unavailability of a third-year extension of an intern program or the applicant's withdrawal from an intern program

When requesting the issuance of a STSP, BCOE shall verify all of the following:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

- a) Local recruitment efforts have been conducted for the STSP being requested
- b) The permit holder has been provided with orientation to the curriculum and to techniques of instruction and classroom management
- c) The permit holder has been assigned a mentor teacher for the term of the STSP
- d) Written justification for the acute staffing need which requires the STSP signed by the County Superintendent or designee

The holder of a STSP is authorized to provide the same service as a holder of a Multiple Subject Credential, Single Subject Credential, or Education Specialist Credential in accordance with the authorization(s) specified on the permit.

### 3. Provisional Internship Permit

BCOE may request that the CTC issue a Provisional Internship Permit (PIP) to an applicant who meets the qualifications whenever a suitable credentialed teacher cannot be found after a diligent search. When requesting the issuance of a PIP, BCOE shall verify all of the following:

- a) A diligent search has been conducted for a suitable credentialed teacher or suitable qualified intern as evidenced by documentation of the search. The search shall include, but not be limited to, distributing job announcements, contacting college and university placement centers, and advertising in print or electronic media.
- b) Orientation, guidance, and assistance shall be provided to the permit holder. The orientation shall include, but not be limited to, an overview of the curriculum the permit holder is expected to teach and effective instruction and classroom management techniques at the permit holder's assigned level. The County Superintendent or designee shall assign an experienced educator (who is a certificated employee of the employing agency, or a certificated retiree of a California school district or county office of education with at least three years of full-time classroom teaching experience) to guide and assist the permit holder.
- c) BCOE shall assist the permit holder in developing a personalized plan through a BCOE-selected assessment that would lead to subject-matter competence related to the permit.
- d) BCOE shall assist the permit holder to seek and enroll in subject-matter training, such as workshops or seminars and site-based courses, along with training in test-taking strategies, and shall assist the permit holder in meeting the credential subject matter competence requirement related to the permit.
- e) A notice of intent to employ the applicant in the identified position has been made public. The notice shall be posted at least 72 hours before the position is filled and include a signed statement from the superintendent or administrator or his or her designee that there were no objections to the permit. The notice must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a Provisional Internship Permit
- f) The candidate has been apprised of the steps to earn a credential and enroll in an internship program.

The holder of a PIP is authorized to provide the same service as a holder of a Multiple Subject Credential, Single Subject Credential, or Education Specialist Credential in accordance with the authorizations specified on the permit.

### 4. Teaching Permit for Statutory Leave

BCOE may request that the CTC issue a Teaching Permit for Statutory Leave (TPSL) whenever there is a need for BCOE to temporarily fill the teaching assignment of a teacher of record who will be on sick leave, differential sick leave, industrial accident or illness leave, pregnancy disability leave, administrative leave related to dismissal and suspension proceedings, military leave, or family care and medical leave under the federal Family and Medical Leave Act or California Family Rights Act, to a qualified individual who will be serving as the interim teacher of record.

When requesting the issuance of a TPSL, BCOE shall verify all of the following:

- a) The applicant has completed 45 hours of preparation in the content areas listed in 5 CCR 80022.
- b) The permit holder shall be provided early orientation during the first month of service for every position the TPSL holder will serve in as the interim teacher of record.
- c) For each statutory leave assignment, BCOE shall provide the TPSL holder with an average of two hours per week of mentoring, support, and/or coaching. Such mentoring, support, and/or coaching shall meet the following requirements:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

- Is coordinated and/or delivered by a mentor who possesses a valid life or clear credential that would also authorize service in the statutory leave assignment
- The mentor provides lesson plans for the first four weeks of the statutory leave assignment (if not already provided), and
- The mentor provides continued assistance in the development of curriculum, lesson planning, and Individualized Education Programs (IEPs).

A request for the TPSL shall only be submitted if BCOE has made reasonable efforts to hire a substitute teacher with a full teaching credential that matches the setting and/or subject for the statutory leave position and no such substitute teacher is available.

The holder of the TPSL may serve as the interim teacher of record for any one teacher who is out on a statutory leave for the entire length of said leave during a school year.

The Superintendent or designee may request renewal of the TPSL provided that no substitute teacher with a full teaching credential that matches the setting and/or subject for the statutory leave position is available for the assignment. The application for each reissuance shall include verification that the interim teacher of record has completed an additional 45 hours of preparation and BCOE is continuing to provide mentoring in accordance with Item #4(c) above.

BCOE shall maintain documentation on the assignment in accordance with 5 CCR 80022 and annually report data on the use of the TPSL for assignment monitoring pursuant to Education Code 44258.9.

### **Waivers**

BCOE may request a waiver when an individual does not meet the minimum qualifications for an emergency permit and BCOE is unable to sufficiently recruit fully credentialed staff to fulfill employment needs.

#### **1. Variable Term Waiver**

The Variable Term Waiver is a document issued for employers who meet the waiver criteria. BCOE may request that the CTC issue a Variable Term Waiver (VTW) when a fully credentialed employee cannot be found. It allows BCOE to fill the assignment while searching for a fully credentialed employee authorized to serve in the assignment and gives the holder of the VTW additional time to complete their credential requirements.

The documentation collected when submitting a request to CTC for a Variable Term Waiver varies depending on the type of Variable Term Waiver being requested, whether BCOE is requesting an "Initial" or "Subsequent" waiver, and the specific requirement(s) to be waived.

#### **2. Short-Term Waiver**

The Short-Term Waiver gives BCOE the ability to cover unanticipated, immediate and short-term needs. The Short-Term Waiver allows BCOE to assign a teacher who holds a valid teaching credential based upon completion of a bachelor's degree and teacher preparation program (which included student teaching) to teach outside of their credential authorization for one semester or less with the teacher's consent.

BCOE may grant a Short-Term Waiver without prior approval by the Commission, provided that it is issued one time only for any individual and one time only for a given class.

In accordance with 5 CCR 80123, BCOE shall annually report data on the use of Short-Term Waivers for assignment monitoring pursuant to Education Code 44258.9.

### **Emergency Substitute Teaching Permits (Day-to-day Substitutes)**

BCOE may employ for day-to-day substitute teaching, at any grade level, a person who holds an emergency substitute permit issued by the CTC with the following restrictions:



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

1. A person holding an Emergency 30-Day Substitute Teaching Permit shall not serve as a substitute teacher in a general education setting for more than 30 days for any one teacher during the school year. They shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year.
2. A person holding an Emergency Career Substitute Teaching Permit shall not serve as a substitute teacher for more than 60 days for any one teacher during the school year. They shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year.
3. A person holding an Emergency Substitute Teaching Permit for Prospective Teachers shall not serve as a substitute teacher in a general education setting for more than 30 days for any one teacher during the school year. They shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year. The holder may not serve as a substitute teacher for more than 90 days total during the school year.
4. A person with an Emergency Designated Subjects Career Technical Education 30-Day Substitute Teaching Permit shall substitute teach only in a program of technical, trade, or vocational education and shall not serve as a substitute teacher for more than 30 days for any one teacher during the school year.

Before employing a person as a day-to-day substitute teacher who holds either an Emergency 30-Day Substitute Teaching Permit or an Emergency Designated Subjects Career Technical Education 30-Day Substitute Teaching Permit, the County Superintendent or designee shall prepare and keep on file a signed Statement of Need for the school year. The Statement of Need shall describe the situation or circumstances that necessitate the use of an Emergency 30-Day Substitute Teaching Permit holder and an Emergency Designated Subjects Career Technical Education 30-Day Substitute Teaching Permit holder and state that a credentialed person is not available or that the available credentialed person does not meet BCOE's specified employment criteria.

Approved: July 2011

Revised: May 2022

October 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4112.3**

**AR 4212.3**

**AR 4312.3**

### **OATH OR AFFIRMATION**

All public employees are disaster service workers. As such, before beginning employment with Butte County Office of Education, employees must take the oath or affirmation required by law. In the event of natural, manmade, or war-caused emergencies that result in condition of disaster or extreme peril to life, property, and resources, all Butte County Office of Education employees are subject to disaster service activities as assigned to them by their supervisors or law.

The County Superintendent or designee shall administer the above oath when Butte County Office of Education employees are hired.

Legally employed noncitizens shall be exempt from taking this oath.

At the advice of legal counsel, the County Superintendent or designee may exempt a prospective employee from taking the above oath if a valid religious objection is raised.

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

### **Reimbursement of Expenses for Disaster Workers**

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

Legal Reference:

EDUCATION CODE

60 Administration and certification of oaths

44334 Certificates and credentials

44354 Certificates and credentials

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

LABOR CODE

3211.9-3211.93a Disaster service: definitions for workers' compensation

Approved: July 2004

Revised: August 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4112.4**

**SP 4212.4**

**SP 4312.4**

### **HEALTH EXAMINATIONS**

#### **New Employees & Volunteers**

The County Superintendent or designee shall ensure that newly hired Butte County Office of Education employees comply with all the health examination requirements of California law.

All individuals hired in a certificated or classified position shall provide proof of freedom from infectious tuberculosis. The cost of risk assessment and examination, if not current, shall be reimbursed by Butte County Office of Education.

All volunteers shall be required to have on file with Butte County Office of Education, a certificate showing that upon initial volunteer assignment, the volunteer is free of infectious tuberculosis. The cost of risk assessment and examination, if not current, shall be reimbursed by Butte County Office of Education.

#### **Continuing Employees**

Every continuing employee who submits to a risk assessment and has no risk factors identified or who tests negative on tuberculin skin tests shall undergo a tuberculosis examination at least once every four years.

An employee found to have active tuberculosis shall not return to work until they are under medical treatment and is determined to be in a non-contagious status by their physician. The employee must submit a physician's report to the Human Resources Department prior to returning to work indicating that they cannot communicate tuberculosis infection. The Human Resources Department shall maintain employee tuberculin clearance status records and shall notify employees when clearance is required.

The fee will be paid by Butte County Office of Education for a tuberculosis examination.

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

#### **Legal Reference:**

Education Code

44839 Employment

44839.5 Employment

44942 Resignations, Dismissals, and Leaves of Absence

45122 Employment

49406 General Powers--School Boards

Code of Regulations, Title 5

5502-5504

Approved: November, 2007

Revised: March, 2022

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

#### **AR 4112.4**

#### **AR 4212.4**

#### **AR 4312.4**

### **REGULATIONS REGARDING HEALTH EXAMINATIONS**

#### **Tuberculosis Tests**

No applicant shall be initially employed by Butte County Office of Education (BCOE) in a classified or certificated position unless they have submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that they are free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. (Education Code 49406)

Prior to employment by BCOE, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis (Education Code 49406). The cost of the pre-employment tuberculosis examination for a successful applicant or volunteer shall be paid by Butte County Office of Education if the above conditions are unable to be met.

An applicant who was previously employed in another California school district or private or parochial school may fulfill the tuberculosis examination requirement either by producing a certificate showing that they were examined within the last four years and found to be free of active tuberculosis or by having their previous employer verify that it has on file a certificate which contains that evidence.

Thereafter, every BCOE employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment, and an examination whenever risk factors are identified, at least once every four years, or more often if so directed by The County Superintendent upon recommendation of the county health officer, for as long as the employee's test remains negative. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, they shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Tuberculosis tests for employees shall be provided by or at the expense of BCOE.

Whenever BCOE contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of the initial hire. A private contracted driver who transports students infrequently and without prolonged contact with students may be exempted from this requirement. (Education Code 49406)

If an applicant's/employee's religious belief prevents them from undergoing a tuberculosis examination, the employee shall file an affidavit stating that they adhere to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of their knowledge or belief, they are free from active tuberculosis. In order to exempt the individual, The County Superintendent shall determine by resolution, after a hearing, that the health of students would not be jeopardized.

The County Superintendent or designee may exempt from the tuberculosis testing requirement classified employees who are employed for less than a school year if their functions do not require frequent or prolonged contact with students.

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

The County Superintendent or designee may exempt a pregnant employee from the requirement that a positive tuberculin skin test be followed by an x-ray of the lungs, for a period not to exceed 60 days following conclusion of the pregnancy.

### Mental Health Examination for Certificated Employees

A certificated employee may be suspended or transferred to other duties if The County Superintendent has reasonable cause to believe that the employee is suffering from mental illness of such a degree as to render them incompetent to perform their duties. In such a case, BCOE shall follow the process specified in Education Code 44942 and Butte County Office of Education’s collective bargaining agreements, including the opportunity for the employee to be examined by a panel of psychiatrists or psychologists.

#### Legal Reference:

##### **Education Code**

44839	Medical certificate; periodic medical examination
44839.5	Requirements for employment of retiree
44932	Grounds for dismissal of permanent employee
44942	Suspension or transfer of certificated employee on ground of mental illness
45122	Physical examinations
49406	Examination for tuberculosis

##### **Business and Professions Code**

2700-2838	Nurses
3500-3546	Physician assistants

##### **Health and Safety Code**

121525	Private and parochial school employees, examination for tuberculosis
--------	--

##### **Code of Regulations, Title 5**

5502	Filing of notice of physical examination for employment of retired persons
5503	Physical examination for employment of retired persons
5504	Medical certification procedures

Approved: November 2010

Revised: March 2022

Reviewed: October 2024

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

#### AR 4112.5

#### AR 4212.5

#### AR 4312.5

#### **Criminal Record Check**

No person will be hired or retained in classified or certificated positions who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the County Superintendent or designee shall not deny or terminate employment if:

6. The conviction for a violent or serious felony, controlled substance offense, or sex offense is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
7. A person convicted of a violent or serious felony has obtained a certificate of rehabilitation or a pardon.
8. A person who has been convicted of a serious felony, that is not also a violent felony, proves to the sentencing court that they have been rehabilitated for purposed of school employment for at least one year.
9. A person who has been convicted of a controlled substance offense is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
10. A person who has been convicted of a controlled substance offense is applying for or is employed in a classified position and has been determined by the County Superintendent, from the evidence presented, to have been rehabilitated for at least five years.

#### **Pre-Employment Record Check**

Each person to be employed shall be required to submit their fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the Live Scan request form to the applicant, and either conduct the Live Scan or for applicants in remote locations, a list of Live Scan locations in their area of residence/employment.

When a person is applying for a **classified** position, the County Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation.

The County Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted their fingerprints to the DOJ is not subsequently employed.

#### **Subsequent Arrest Notification**

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

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished and shall serve as the primary contact for the DOJ for any related issues.

Employees designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in the capacity.

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging their understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested, and its contents shall not be disclosed or reproduced.

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

The County Superintendent or designee shall immediately notify the DOJ whenever a designated custodian or records ceases to serve in that capacity.

### **Temporary Certificates of Clearance**

The County Superintendent or designee shall not issue a temporary certificate of clearance to a person whose application for a credential, certificate, or permit is being processed by the Commission on Teacher Credentialing if that person has been convicted of a violent or serious felony, unless the person is otherwise exempt pursuant to Education Code 4332.6 or 448310.1.

The Human Resources Department may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within Butte County who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential.

### **Interagency Agreement**

Subject to an interagency agreement with local districts for the hiring of substitute teachers, Butte County Office of Education (BCOE) shall receive CORI on behalf of all participating districts.

Upon receipt from the DOJ of a report of conviction of a serious or violent felony, BCOE shall communicate that fact to participating districts and shall remove the affected employee from the common list of persons eligible for substitute teaching employment.

In addition, upon receipt from the DOJ of a criminal history record or report of subsequent arrest for any person on the common list of persons eligible for employment, BCOE shall give notice to the Superintendent of any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the authorized designee. The report shall be made available at BCOE for 30 days following the receipt of the notice.

BCOE shall not release a copy of that information to any participating district or any other person. In addition, BCOE shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

BCOE shall maintain a record of all persons to whom the information has been shown and shall make this record available to the DOJ.

### Legal Reference:

#### EDUCATION CODE

44010 Sex offense: definitions

44011 Controlled substance offense

44332-44332.6 Temporary certificate of clearance

44346.1 Applicants for credential; conviction of a violent or serious felony

44830.1 Criminal record summary certificated employees

44830.2 Certificated employees; interagency agreement for sharing criminal record information

44836 Employment of certificated persons convicted of controlled substance offences

44932 Grounds for dismissal of permanent employees

45122.1 Classified employees; conviction of a violent or serious felony

45125 Use of personal identification cards to ascertain conviction of crime

45125.01 Interagency agreements for criminal record information

45125.5 Automated records check

45126 Duty of Department of Justice to furnish information

#### PENAL CODE

11075-11081 Criminal record dissemination

11102.2 Maintenance of criminal offender records; custodian of records

11105 Access to criminal history information

11105.2 Subsequent arrest notification

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence

11140-11144 Furnishing of State Summary Criminal History Information

1192.7 Plea bargaining limitation

1203.4 Dismissal of conviction

13300-13305 Local summary criminal history information

667.5 Prior prison terms; enhancement of prison terms

#### California Code of Regulations Title 11

701-708 Criminal offender record information

720-724 Incomplete criminal history information

994-994.15 Certification of individuals who take fingerprint impressions

Approved: July 2004

Revised: August 2023

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4112.6**

**SP 4212.6**

**SP 4312.6**

#### **EMPLOYEE RECORDS**

Confidential individual personnel files are permanent records and shall be established and maintained for all employees in accordance with law and collective bargaining agreements.

Personnel files shall be made available for inspection as required by law. Inspection shall take place in the presence of a Butte County Office of Education representative. A record of file inspections shall be maintained.

The following records are, by law, not open to inspection by employees:

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

Non-credentialed employees shall have access to numerical scores obtained as result of written examinations.

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents and shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such a review may take place during normal work hours. Upon request the employee shall be released from duty for this purpose without a salary reduction.

Home addresses, telephone numbers and other personal information regarding employees shall not be disclosed to the general public. It shall be each employee's responsibility to keep personnel records current by immediately reporting changes of address, number of dependents, telephone number changes, name changes, and other information as may be required.

#### **Criminal Offender Record Information**

Information received by the Butte County Office of Education from the Department of Justice is confidential. The Assistant Superintendent of Human Resources is the Record Custodian of all confidential fingerprint and criminal record history. The Record Custodian shall be subject to California Department of Justice fingerprinting and criminal background check requirements. The Record Custodian shall have and acknowledge an understanding of the laws regarding Criminal Offender Record Information.

Any questions regarding Criminal Offender Record Information shall be resolved by the Record Custodian. Criminal Offender Record Information shall be accessible only to the Record Custodian and shall be kept in a locked file separate from other personnel files. The contents of criminal offender records shall be disclosed only in accordance with law on a "needs to know" basis and shall not be reproduced. These records shall be used only for the purpose for which they were requested.

#### **Criminal Offender Record Information (continued)**

Upon making a hiring determination, Criminal Offender Record Information shall be destroyed in accordance with law to the extent that the identity of the individual can no longer be reasonably ascertained.



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **Interagency Agreements**

Upon Butte County Office of Education receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on an inter-agency "common list of persons eligible for employment", notice shall be provided to the appropriate participating agency.

The County Superintendent's designee of Record Custodian will maintain a record of all persons to whom criminal history or arrest record information has been provided.

Legal Reference:

Education Code

44030 Effect of registration of certification document

44031 Personnel file contents and inspection

44663 Written evaluation and assessment of certificated employees and certificated non-instructional employees

44252 Issuance and renewal; basic skills proficiency list of criteria

44254 Restricted reading certificates

Attorney General Opinion

Opinion No. CV 75-53, June 6, 1975 (58 Cal Att. Gen. Op. 422)

Labor Code

1198.5

Approved: October, 2008

Revised:

**AR 4112.6**

**AR 4212.6**

**AR 4312.6**

### **REGULATIONS REGARDING EMPLOYEE RECORDS**

The County Superintendent directs that the Human Resources Department shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the County Superintendent. Employee files shall be

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

maintained in the Human Resources Department. The Human Resources Assistant Superintendent shall determine the types of information to be included and be responsible for the processing of all material to be placed in a personnel file.

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, non-credentialed employees shall have access to any numerical scores obtained as result of written examinations.

#### **Placement of Material in Personnel Files**

1. All material to be placed in a personnel file shall be processed through the Human Resources Assistant Superintendent.
2. Material of a derogatory nature shall not be entered unless:
  - a. The material has been signed and dated by the originating person and approved for inclusion by the department Assistant Superintendent.
  - b. The employee is provided a copy with notice that he/she has an opportunity to comment and respond within 10 working days from receipt.
  - c. After the employee has had an opportunity to review and make written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

#### **Personnel File Review**

1. The Assistant Superintendents are authorized by the County Superintendent to review personnel files of employees. Other management personnel may review personnel files when they have valid "need to know" and with approval of an Assistant Superintendent.
2. Employees may make an appointment for review of his / her personnel file to be scheduled during normal working hours. Employee signs and dates a statement that he / she asked to review file, which becomes part of the personnel file.
  - a. Employees with assignments out-of-county may request a copy of their personnel file as outlined in paragraph 2.b. below in lieu of personally reviewing the file.
  - b. Requests for copies of material in personnel file must be in writing and approved by the Human Resources Assistant Superintendent.
  - c. Any request by employee to include materials in the file must be approved by the department Assistant Superintendent.
3. Confidential placement information in the file shall not be available for review unless marked "not confidential" or equivalent by a college, university, or other placement office.
4. All reviews of personnel files shall be recorded, including notation of date and time reviewed.
5. In no instance shall any material be removed from the file.
6. All personnel files will be reviewed in the Human Resources Department under observation of Human Resources Department staff.

Approved: October, 2008

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4112.7**

**SP 4212.7**

**SP 4312.7**

### **ORIENTATION FOR NEW EMPLOYEES**

The County Superintendent believes that it is important to have an effective orientation for all new employees.

For that reason, the County Superintendent assigns responsibility for new employee orientation to the Human Resources Department, which shall give careful consideration to the content, design, and delivery in the Butte County Office of Education's system of orienting new staff.

The first phase of orientation will be a Human Resources Department briefing that provides essential information regarding the Butte County Office of Education as an organization, review of mandated topics, safety, job related matters and requirements, day-to-day procedures and practices as well as financial matters of concern.

Work site specific training is the responsibility of the employee's direct supervisor.

Approved: July 2004

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4112.8**

**SP 4212.8**

**SP 4312.8**

### **EMPLOYMENT OF RELATIVES**

Employment of relations by blood or marriage in the Butte County Office of Education where there is an adverse impact on supervision, safety, security, or morale, or involves potential conflicts of interests is prohibited. If two employees marry each other and there is an adverse impact on supervision, safety, security or morale or a reasonably foreseeable conflict of interest exists, one of the employees may be reassigned or transferred.

1. No employee shall in any way use personal power or influence to aid or hinder other employees or applicants for employment because of a personal relationship by virtue of blood, marriage, or adoption.
2. In order to comply with this policy, applicants for employment, employees offered promotional opportunities, and employees requesting transfer or reinstatement shall be required to indicate if they have any relatives who are employees of the Butte County Office of Education.
3. For the purposes of this policy, persons related by blood, marriage, or adoption (relatives) are any of the following: husband, wife, father, mother, son, daughter, brother, sister, half-brother, half-sister, grandparent, grandchild, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, first cousin, and domestic partner.

The County Superintendent prohibits the appointment of any person to a position for which their relative maintains management, supervisory, evaluation, or promotion responsibilities and prohibits an employee from participating in any decision that singularly applies to any of their relatives.

In addition, the County Superintendent or designee may determine, on a case-by-case basis, whether to appoint a person to a position in the same department or facility as an employee with whom they maintain a personal relationship when that relationship has the potential to create (1) an adverse impact on supervision, safety, security, or morale of other employees, or (2) a conflict of interest for the individuals involved which is greater because of their relationship than it would be for another person.

An employee shall notify their supervisor within 30 days of any change in their circumstances that may constitute a violation of this policy.

Legal reference:

CALIFORNIA CODE OF REGULATIONS, TITLE 2

7292.0-7292.6 Marital status discrimination

7292.5 Employee selection

EDUCATION CODE

335104 School district employees

FAMILY CODE

292-297.5 Rights, protections, benefits under the law; registered domestic partners

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

12940 Unlawful discriminatory employment practices

Approved: March 2008

Revised: September 2023

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

**SP 4112.9**

**SP 4212.9**

**SP 4312.9**

### **EMPLOYEE NOTIFICATIONS**

The County Superintendent believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The County Superintendent or designee shall provide Butte County Office of Education (BCOE) employees all notifications required by law and any other notifications the County Superintendent or designee believes will promote staff knowledge of the BCOE’s policies, programs, activities, and operations.

When required by law, Superintendent’s policy or administrative regulation, BCOE employees will be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee’s personnel file.

#### Legal Reference:

##### CIVIL CODE

1798.29 District records; breach of security

##### EDUCATION CODE

17612	Notification of pesticide use
22455.5	STRS information to potential members
22461	Postretirement compensation limitation
231.5	Sexual harassment policy
35031	Term of employment
35171	Availability of rules and regulations for evaluation of performance
37616	Consultation regarding year-round schedule
44663-44664	Evaluation of certificated employees
44842	Reemployment notices; certificated employees
44896	Transfer of administrator or supervisor to teaching position
44916	Written statement of employment status
44929.21	Notice of reelection decision; districts with 240 ADA or more
44929.23	Districts with less than 250 ADA
44934	Notice of disciplinary action for cause
44938	Notice of unprofessional conduct and opportunity to correct
44940.5-44941	Notification of suspension and intent to dismiss
44948.3-44948.5	Dismissal of probationary employees
44949	Dismissal of probationary employees
44951	Continuation in position unless notified; administrative or supervisory personnel
44954	Non-reelection of temporary employees
44965	Reduction in number of permanent employees
44955.5	Decrease in number of permanent employees during specified time period and upon determination related to local control funding formula per unit of average daily attendance
45113	Notification of charges; classified employees
45117	Notice of layoff; classified employees
45169	Employee salary data; classified employees
45192	Industrial accident and illness leave for classified employees
45195	Additional leave
46162	Alternative schedule for junior high and high school; public hearing with notice
48201	Transfer student’s record for acts that resulted in suspension or expulsion
48851.3	Education of students in foster care and students who are homeless
49013	Complaints regarding student fees
49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

49414	Epinephrine auto-injectors
49414.3	Administration of opioid antagonist
GOVERNMENT CODE	
1126	Incompatible activities of employees
12950	Sexual harassment
21029	Retirement credit for period of military service
54957	Complaints against employees; right to open session
54963	Unauthorized disclosure of confidential information
8355	Certification of drug-free workplace, including notification
HEALTH AND SAFETY CODE	
104420	Tobacco-free schools
120875	Information of AIDS, AIDS-related conditions, and hepatitis B
120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
1797.196	Automated external defibrillators; notification of use and locations
LABOR CODE	
230	Accommodations and leave for victims of domestic violence
2800.2	Notification of availability of continuation health coverage
3550-3553	Notifications re: workers' compensation benefits
5401	Workers' compensation: claim form and notice of potential eligibility
PENAL CODE	
11165.7	Child Abuse and Neglect Reporting Act; notification requirement
11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
UNEMPLOYMENT INSURANCE CODE	
2613	Disability insurance; notice of rights and benefits
WELFARE AND INSTITUTIONS CODE	
827	Limited exception to juvenile court record
CALIFORNIA CODE OF REGULATIONS, TITLE 2	
11023	Harassment and discrimination prevention and correction
11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
11087-11098	California Family Rights Act
CALIFORNIA CODE OF REGULATIONS, TITLE 5	
4622	Uniform complaint procedures
80303	Reports of change in employment status; alleged misconduct
CALIFORNIA CODE OF REGULATIONS, TITLE 8	
3204	Access to employee exposure and medical records
5191	Chemical hygiene plan
5194	Hazard communication
UNITED STATES CODE, TITLE 20	
2354	Local application for career and technical education programs
UNITED STATES CODE, TITLE 38	
4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
UNITED STATES CODE, TITLE 41	
8101-8106	Drug-Free Workplace Act
UNITED STATES CODE, TITLE 42	
11431-11435	McKinney-Vento Homeless Assistance Act
CODE OF FEDERAL REGULATIONS, TITLE 29	
825.300	Family and Medical Leave Act; notice requirement
CODE OF FEDERAL REGULATIONS, TITLE 34	
100	Nondiscrimination under programs receiving federal assistance
104.8	Nondiscrimination
106.9	Severability
84.205-84.210	Drug-free workplace statement
4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
CODE OF FEDERAL REGULATIONS, TITLE 40	
763.84	Asbestos inspections, response actions and post-response actions
763.93	Asbestos management plans

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Approved: July, 2004

Revised: March, 2024

### **AR 4112.22**

### **REGULATIONS REGARDING STAFF TEACHING ENGLISH LANGUAGE LEARNERS**

#### **Definitions**

English learner means a student who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English.

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

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

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

#### **Teacher Qualifications**

The County Superintendent or designee shall ensure that any teacher with one or more English learners in his/her class possesses an English learner authorization issued by the Commission on Teacher Credentialing (CTC) authorizing ELD and/or SDAIE, as appropriate. A teacher possessing a bilingual authorization may be assigned to provide ELD, SDAIE, and/or primary language instruction.

A teacher with a designated subject teaching credential or a service credential with a special class authorization may enroll in a CTC approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing instruction in SDAIE.

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

#### **Legal Reference:**

Education Code

306 Definition, English learner

44253.1-44253.11 Certification for bilingual-cross-cultural competence

44258.9 County superintendent review of teacher assignments

44259.5 Standards for teachers of all students, including English language learners

44380-44386 Alternative certification

44856 Employment of teachers from foreign countries

52160-52178 Bilingual-Bicultural Act of 1976

52180-52186 Bilingual teacher training assistance program

62001-62005. 5 Evaluation and sunseting of programs

99230-99242 Mathematics and Reading Professional Development Program



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Code of Regulations, Title 5

6100-6125 Teacher qualifications, No Child Left Behind Act

80015 Requirements for the CLAD certification or English learner authorization

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

80021 Short-Term Staff Permit

80021.1 Provisional Internship Program

80024.7-80024.8 Emergency CLAD and bilingual permits

United States Code, Title 20

6319 Highly qualified teachers

6601-6651 Training and recruiting high-quality teachers

6801-7014 Language instruction for English learners and immigrant students

7801 Definitions, highly qualified teacher

Code of Federal Regulations, Title 34

200.55-200.57 Highly qualified teachers

Approved: July, 2011

Revised:

**AR 4112.23**

**REGULATIONS REGARDING SPECIAL EDUCATION STAFF**

**Qualifications/Assignment of Special Education Teachers**

Any teacher assigned to serve students with disabilities shall possess an appropriate credential or other authorization that specifically authorizes him/her to teach students with that primary disability within the program placement recommended in the students' individualized education programs (IEP). Special education teachers who teach core academic subjects shall possess the qualifications required by the No Child Left Behind Act.

The permit is valid for up to one year from the date of issuance but may be renewed twice, for a total of three years in the specialty area, if renewal requirements are met.

**Resource Specialists**

The resource specialist program shall provide, but not be limited to:

1. Resource specialist(s) to provide instruction and services for students whose needs have been identified in their IEPs and who are assigned to regular classroom teachers for a majority of the school day  
A student shall not be enrolled in a resource specialist program for a majority of a school day without approval by the student's IEP team.
2. Information and assistance for students with disabilities and their parents/guardians
3. Consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members
4. Coordination of special education services with the regular school program for each student with disabilities enrolled in the resource specialist program
5. Monitoring of student progress on a regular basis, participation in the review and revision of IEPs as appropriate, and referral of students who do not demonstrate sufficient progress to the IEP team
6. At the secondary school level, emphasis on academic achievement, career and vocational development, and preparation for adult life

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

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

**Teachers of Students with Autism**

A teacher may be assigned to provide instruction to students with autism if he/she meets the qualifications described above in the section entitled "Qualifications/Assignment of Special Education Teachers."

In addition, a teacher whose education specialist credential or other previously issued credential authorizes him/her to provide instruction to students with mild and moderate disabilities may be assigned to provide instruction to students with autism, provided that the teacher consents to the assignment and satisfies either of the following criteria prior to the assignment:

1. He/she has provided full-time instruction for at least one year prior to September 1, 2007, in a special education program that serves students with autism in accordance with their IEP and received a favorable evaluation or recommendation from the Butte County Office of Education or school to teach students with autism.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

2. He/she has completed a minimum of three semester units of coursework in the subject of autism offered by a regionally accredited institution of higher education.

### Caseloads

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

#### Legal Reference:

##### Education Code

44250-44279 Credentials, especially

44256 Credential types, specialist instruction

44258.9 Assignment monitoring

44265-44265.99 Special education credential

44325-44328 District interns

44830.3 District interns, supervision and professional development

56000-56865 Special education, especially

56195.8 Adoption of policies

56361 Program options

56362-56362.5 Resource specialist program

56363.3 Maximum caseload; language, speech, and hearing specialists

56441.7 Maximum caseload; language, speech, and hearing specialists serving children ages 3-5

##### CODE OF REGULATIONS, TITLE 5

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

3100 Waivers of maximum caseload for resource specialists

6100-6126 Teacher qualifications, No Child Left Behind Act

80021 Short-term staffing permit

80021.1 Provisional internship permit

80025.4 Substitute teaching, special education

80026 Declaration of need for fully qualified educators

80027.1 Special education limited assignment teaching permit

80046.1 Adapted physical education specialist

80046.5 Credential holders authorized to serve students with disabilities

80047-80047.9 Credentials to provide instructional services to students with disabilities

80048-80048.9.3 Credential requirements and authorizations

80070.1-80070.8 Resource specialist certificate of competence

##### UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act, especially

1401 Definition of highly qualified special education teacher

6319 Highly qualified teachers

7801 Definitions, highly qualified teacher

##### CODE OF FEDERAL REGULATIONS, TITLE 34

200.55-200.57 Highly qualified teachers

300.8 Definition of autism

300.18 Highly qualified special education teachers

300.156 Special education personnel requirements

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Approved: November 2010

Revised:

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

#### **SP 4113**

##### **EMPLOYEE ASSIGNMENTS**

In order to serve the best interests of students and the educational program of Butte County Office of Education (BCOE), the County Superintendent or designee shall assign certificated personnel to positions for which they are qualified pursuant to their certification, preparation, professional experience, and aptitude.

Certificated staff may be assigned to any school within BCOE in accordance with the collective bargaining agreement or County Office policy.

The County Superintendent reserves the right to assign, reassign, schedule, and modify all terms and conditions of employment in accordance with the needs of BCOE and negotiated agreements.

##### **Assignment Courses/Classes**

The Superintendent or designee shall assign teachers based on the grade level and subject matter authorized by their credentials.

When there is no credential authorization requirement for teaching an elective course, the County Superintendent or designee shall select the credentialed teacher whose knowledge and skills best prepare the teacher to provide instruction in that subject (See AR 4113).

When specifically authorized by law or regulation, the Superintendent or designee may, with the teacher's consent, assign a teacher to a position outside the teacher's credential authorization in accordance with the local teaching assignment options described in the Commission on Teacher Credentialing (CTC) Administrator's Assignment Manual. Such assignments shall be annually approved by the Superintendent or designee. In such cases, the Superintendent or designee shall reference in County records the statute or regulation under which the assignment is authorized.

If at any time a certification employee is required to accept an assignment which the employee believes is not legally authorized by the employee's credential, the employee shall notify the County Superintendent or designee, in writing, of the misassignment. Within 15 working days, the County Superintendent or designee shall notify the employee of the legality of the assignment. If the legality of the assignment cannot be established, the County Superintendent will have 30 days to correct the assignment or establish the extraordinary circumstance which makes this correction impossible. There shall be no adverse action taken against a certificated person who files a notification of misassignment. If it is determined that a misassignment has taken place, any performance evaluation of the employee under Sections 44660 to 44664, inclusive, in any misassigned subject shall be nullified.

Any complaint alleging teacher misassignment shall be filed and addressed through the County Office's procedures specified in AR 1312.4 – Williams Uniform Complaint Procedures

The school accountability report card for each school shall include any assignment of teachers outside their subject areas of competence, misassignments, including misassignments of teachers of English learners, and the number of vacant teacher positions for the most recent three-year period.

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

### Equitable Distribution of Qualified and Experienced Teachers

The County Superintendent or designee shall identify and address the equitable distribution of highly qualified and experienced teachers among its schools. Strategies for ensuring equitable access to experienced teachers may include, but are not limited to, incentives for voluntary transfers, provision of professional development, and/or programs to recruit and retain effective teachers.

Legal Reference:

#### STATE

##### EDUCATION CODE

33126	School accountability report card
35035	Powers and duties of the superintendent; transfer authority
35186	Complaints regarding teacher vacancy or misassignments
37616	Consultation regarding year-round schedule
44225.6	Commission report to the legislature re: teachers
44250-44277	Credentials and assignment of teachers
44314	Subject matter programs; approved subjects
44824	Assignment of teachers to weekend classes
44955	Reduction in number of permanent employees

##### GOVERNMENT CODE

3543.2	Scope of representation
--------	-------------------------

##### CALIFORNIA CODE OF REGULATIONS, Title 5

80003-80005	Credential authorizations
80020-80020.5	Additional assignment authorizations
80335	Performance of unauthorized professional services
80339-80339.6	Unauthorized certificated employee assignment

#### FEDERAL

##### UNITED STATES CODE, Title 20

6311	State plan
6312	Local education agency plan
6601-6651	Teacher and Principal Training and Recruiting Fund

Approved: July 2004

Revised: November 2023

### **AR 4113**

#### **REGULATIONS REGARDING EMPLOYEE ASSIGNMENTS**

##### **Assignment to Departmentalized Classes Outside Credential Authorization**

Any holder of a credential other than an emergency permit may be assigned, with consent, to teach departmentalized classes in grades K-12 regardless of the designations on the teaching credential, provided that the teacher's subject matter knowledge is verified prior to the assignment.

Procedures for verifying a teacher's subject matter knowledge shall be developed and implemented by the Superintendent or designee with the involvement of appropriate subject matter specialists, including curriculum specialists, resource teachers, classroom teachers certified to teach the subject, staff assigned to regional subject matter projects or curriculum institutes, or college faculty. Procedures to be used for this purpose shall specify:

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

Whenever a teacher is assigned to teach departmentalized classes, the County Superintendent or designee shall notify the exclusive representative of Butte County Office of Education's certificated employees.

##### **Assignment to Special Schedules**

The County Superintendent or designee shall make every reasonable effort to accommodate the preferences of certificated staff when assigning them to schools with year-round or regular schedules.

Full-time probationary or permanent classroom teachers employed by the County Office prior to implementation of weekend classes shall not, without their written consent, be required to teach for more than 180 full days during a school year or for more than the number of full days during the preceding school year, whichever is greater. No teacher shall be assigned to work on a Saturday or Sunday if the teacher objects in writing that such assignment would conflict with religious beliefs or practices.

Legal Reference:

#### **STATE**

#### **EDUCATION CODE**

33126 School accountability report card

35035 Powers and duties of the superintendent; transfer authority

35186 Complaints regarding teacher vacancy or misassignments

37616 Consultation regarding year-round schedule

44225.6 Commission report to the legislature re: teachers

44250-44277 Credentials and assignment of teachers

44314 Subject matter programs; approved subjects

44824 Assignment of teachers to weekend classes

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

44955 Reduction in number of permanent employees

GOVERNMENT CODE

3543.2 Scope of representation

CALIFORNIA CODE OF REGULATIONS, Title 5

80003-80005 Credential authorizations

80020-80020.5 Additional assignment authorizations

80335 Performance of unauthorized professional services

80339-80339.6 Unauthorized certificated employee assignment

#### **FEDERAL**

UNITED STATES CODE, Title 20

6311 State plan

6312 Local Education Agency Plan

6601-6651 Teacher and Principal Training and Recruiting Fund

Approved: March 2009

Revised: October 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **SP 4213**

#### **EMPLOYEE ASSIGNMENTS**

The County Superintendent shall make classified employee assignments in accordance with the needs of Butte County Office of Education (BCOE) and negotiated agreements.

Employees have no right of assignment to a particular work site.

All classified staff, with the exception of classified management and professional staff, are non-exempt employees for the purpose of the Fair Labor Standards Act. The hours of work shall be determined by their work assignments. (See Policy 4313 regarding certificated and classified management and professional staff.)

The County Superintendent reserves the right to assign, reassign, schedule and modify all terms and conditions of employment in accordance with the needs of BCOE and negotiated agreements.

Legal Reference:

#### **EDUCATION CODE**

1311 Classified county school employees

35035 Powers and duties of County Superintendent

45100-45139 Classified employees

#### **GOVERNMENT CODE**

3540 Meeting and Negotiating in Public Education Employment

3543.2 Scope of representation (re transfer/reassignment)

Approved: July 2004

Revised: October 2023

SP 4113.4  
SP 4213.4  
SP 4313.4

TEMPORARY/MODIFIED LIGHT-DUTY ASSIGNMENT

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

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

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

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

Legal Reference:

STATE

Education Code

44984	Required rules for industrial accident and illness leave
45192	Industrial accident and illness leave for classified employees

Government Code

12900-12996	Fair Employment and Housing Act
12945.1-12945.2	California Family Rights Act

FEDERAL

United States Code, Title 29	
2601-2654	Family Care and Medical Leave Act
United States Code, Title 42	
12101-12213	Americans with Disabilities Act

Approved: July 2007  
Revised: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4113.4**

**AR 4213.4**

**AR 4313.4**

### **REGULATIONS REGARDING TEMPORARY MODIFIED / LIGHT DUTY ASSIGNMENT**

Any employee who suffers a work-related injury shall provide the Butte County Office of Education with medical verification of their physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the County Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

The County Superintendent or designee shall meet with the employee and their supervisor to determine whether the employee can return to their regular job with the medical restrictions specified by the physician.

If the employee is not able to return to their regular job with restrictions, the County Superintendent or designee may seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignments shall receive written notification of the assignments.

If no temporary modified or light-duty assignment can be offered, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medication restrictions is found, or until the medical restrictions are lifted. The County Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits under workers' compensation.

The County Superintendent or designee shall monitor all temporary modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume their regular duties.

Approved: July 2004

Revised: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4113.5**

**SP 4213.5**

**SP 4313.5**

### **WORKING REMOTELY**

#### **Definition**

The Superintendent recognizes that working remotely at home or at another alternative location may be necessary at times when widespread illness, natural disaster, or other emergency conditions make the school or worksite unsafe or otherwise interrupts the county office's ability to effectively conduct operations at the school or worksite. A full-time, part-time, or short-term work arrangement may also be granted by the Superintendent or designee to an individual employee, upon request, provided that the position is suitable for remote work, the employee has consistently demonstrated the ability to work independently and meet performance expectations, and the work arrangement does not hinder BCOE operations. Not all positions will be eligible for this arrangement as many require a physical presence in a BCOE office or school site(s) in order to complete job duties; eligibility will be reviewed on a case-by-case basis.

The opportunity to work remotely shall be entirely at the Superintendent's discretion and may be terminated at any time. Remote work arrangements are guided by a specific agreement between BCOE and the employee (Attachment A). No grievance or appeal right may arise from denial of any employee request for remote work.

In the event of an emergency, working remotely may be mandated or required.

Either BCOE or the employee (unless declared as part of an emergency) may terminate the arrangement to work remotely at any time. If the employee requests to return to working onsite, the employee is required to give 10 days' notice. BCOE will arrange for the employee to begin working at a BCOE office or school site as quickly as possible, but no later than 30 days after notification by the employee. If the arrangement is terminated by BCOE, the employee will receive as much advance notice as reasonable under the circumstances. Failure by the employee to perform work satisfactorily, or to maintain a workspace that is safe, ergonomically sound, and free from distraction so as not to interfere with work, as determined by BCOE, are examples of why the arrangement could be terminated.

#### **Types of Remote Work**

1. **Ongoing**: Employees may be allowed to work remotely on a regular basis as their duty assignment permits and as they comply with the terms and conditions of this policy. Agreements for ongoing remote work will be evaluated for renewal annually, and may be terminated at any time by either party should the need arise.
2. **Temporary**: Employee may be allowed to work remotely on a temporary basis, to be defined in the agreement, as their duty assignment permits and as they comply with the terms and conditions of this policy. Circumstances which may be appropriate for "temporary" remote working include:
  - a. Special project work, which requires a period of uninterrupted time
  - b. Commute routes are blocked (e.g., major construction, storm, or disaster)
  - c. Primary work sites are inaccessible, uninhabitable, quarantines or shelter in place orders are in place, or County/State/National emergency exists
3. **Reasonable Accommodation**: Any request to work from a remote location that is based on a medical condition or disability will be evaluated under BCOE's reasonable accommodation process, including initiating an interactive process, pursuant to Superintendent's Policy 4032, Reasonable Accommodation. The interactive process is an individualized assessment and any decision made with respect to the ability to work remotely for a period of time will not create a precedent for any other requested remote work arrangement.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **Conditions of Employment**

Jobs suitable for working remotely are characterized by clearly defined tasks, essential functions, and work products. Performance is measured by product results. The specific terms and conditions of each remote work arrangement will be jointly agreed upon between the department director and the employee with approval by the Human Resources administrator.

Employees approved for remote work shall comply with all BCOE policies, administrative regulations, work schedules, and job assignments. Except when specifically agreed, approval of remote work shall not change the compensation, benefits, or other terms and conditions of employment of an employee.

### **Hours of Work**

Unless otherwise approved in advance by the Superintendent or designee, employees working remotely shall do so within regular work hours established for the position. Employees are required and expected to take appropriate, uninterrupted meal and rest breaks. The total number of hours that employees are expected to work will not change, regardless of work location.

Non-exempt employees working remotely are required to keep accurate records of hours worked and are prohibited from working overtime without pre-authorization from their supervisor. Employees failing to obtain the express permission of their supervisor prior to incurring overtime hours will be subject to discipline.

Any employee working remotely shall be available during work hours to the employee's supervisor and other staff, students, parents/guardians, and members of the public, as appropriate, via email, phone, or other means. Lack of responsiveness on the part of the employee may result in discipline and/or termination of the remote work assignment and responsibilities.

Working remotely is not intended to serve as a substitute for child or adult care. An employee working remotely will need to manage dependent care and personal responsibilities to successfully fulfill job responsibilities.

### **Use of Leave**

Approval to work remotely is not intended to be used in place of sick leave, family and medical leaves, worker's compensation leave, or other types of leave. All remote workers are subject to the required processes for requesting and designating sick leave, vacation leave, or other leaves (PDL, FMLA, CFRA, regular or extended sick leave, etc.). Employees must report their absence from work in the same way they would if reported to a BCOE worksite.

### **Attendance at Meetings**

Supervisors may require employees to attend virtual meetings, report to a central workplace as needed for work-related meetings or other events, or may meet with the employee in an alternate work location as needed to discuss work progress or other work-related issues.

### **Safety**

Employees working remotely have the responsibility to maintain their workspace in safe condition and free of obstructions, hazards, and distractions and is compliant with appropriate building codes and health and safety requirements. Employees working remotely will be required to attest to the fact that their workspace meets these requirements.

If an employee working remotely incurs a work-related injury while working, worker's compensation law and rules may apply. The employee must follow all rules, regulations and policies and notify their manager/supervisor immediately if a work-related injury/illness is incurred.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

#### **Equipment & Materials**

Employees working remotely are required to use BCOE provided equipment such as a computer, monitors, and printer and BCOE shall provide such equipment on loan to the remote worksite. Specific equipment needed and to be provided will be determined by the manager/supervisor in consultation with the employee. The equipment will remain the property of BCOE and use of this equipment is for BCOE business only. Internet and telephone services are the responsibility of the employee and will be provided at their own expense, unless BCOE deems it necessary for the continuity of services. (See BCOE Technology Use Policy and Employee Allowance Request Form)

BCOE will be responsible for any all maintenance and repairs to BCOE owned equipment. In the event of equipment malfunction, the employee must notify their supervisor immediately. If repairs will take a significant amount of time to complete, the BCOE IT department will procure alternative means to allow the employee to continue performing work, which may include asking the employee to report to an office site until the equipment is repaired.

Supplies and equipment needed in the course of business should be requisitioned through normal BCOE channels. Any necessary business expenses, should be submitted in accordance with BCOE's expense reimbursement policy and require advance approval.

BCOE will NOT reimburse travel expenses associated with commuting to the normal office or school site.

BCOE equipment and/or software is insured under the Butte County Office of Education property policy. However, coverage may first be sought from the employee's homeowner's policy for theft or vandalism. Damage to equipment and/or software due to negligence is the employee's responsibility.

#### **Securing Information**

Employees working remotely will take all precautions necessary to secure information in their home and prevent unauthorized access to any BCOE system. Information accessed during the course of work must be safeguarded in accordance with approved BCOE procedures in order to ensure confidentiality and security of data.

#### **Business Records and Document Retention and Disposal**

Work done at a remote work location is considered official public business. County office records and communications shall be retained and safeguarded against damage or loss, and shall be kept confidential or made accessible to the public in accordance with law (e.g., CA Public Records Request Act, litigation holds, etc.)

#### **Professionalism**

Employees are expected to maintain the utmost professionalism while working remotely. While employees are not required to be "dressed up," grooming and attire expectations apply as if a scheduled workday in a BCOE facility. Employees are to be aware of the surroundings and assess the video to see what is in the background and visible to others. The selected workspace should be free from background noises, distractions and interruptions.

#### **Related Forms and Policies**

Attachment A – Remote Work Agreement

Attachment B – Equipment List for Remote Work

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Approved: August 2008

Revised: July 2020

Reviewed: October 2024

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**Attachment A**  
**Butte County Office of Education**  
**Remote Work Agreement**  
(Superintendent Policy 4113.5, 4213.5, 4313.5)

Employee Name: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

This Agreement begins on \_\_\_\_\_ and continues until \_\_\_\_\_, and must be renewed on an annual basis.

1. Employee will be working remotely from the following location: \_\_\_\_\_.

2. The following schedule is agreed to by Employee and Supervisor:

Days and Hours in Office or School Site (if any): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Days and Hours from Remote Site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Employee agrees to be available during their assigned business hours for work related communication, including through such methods as phone, electronic mail, voicemail, instant messenger, fax, Zoom, etc., and agrees to respond within a reasonable time period. Employee initiated schedule changes must follow office procedures regardless of work location.

3. Employee may be required to share temporary office space when they are working in the BCOE office or school site. "Temporary office" is defined as a cubicle or office space that is not permanently assigned to any specific individual but is available to BCOE employees for use on an as-needed basis.
4. Employee must earn a "meets standards" or better in their two most recent evaluations in order to qualify for or retain this Agreement, unless working remotely is required by an emergency situation or is approved by a BCOE Cabinet member.
5. Only non-probationary employees are eligible for this program. However, working remotely may be provided to employees on probation should management determine that remote work is necessary due to an emergency situation.
6. The employee must document and explain as part of this Agreement how working remotely will not negatively affect others' productivity.
7. The duties, obligations, responsibilities, and conditions of employment with BCOE are not changed by this Agreement. Employee's salary, retirement, vacation and sick leave benefits, and insurance coverage shall remain the same.
8. Employee's work hours, overtime compensation, use of sick leave, and approval of use of vacation time will conform to BCOE and departmental policies and procedures, departmental guidelines, the appropriate collective bargaining agreement, and to the terms otherwise agreed upon by the employee and BCOE.
9. Employee agrees to maintain a safe and ergonomically sound remote worksite, and to hold BCOE harmless for injury to self or others at the remote worksite except as may be subject to worker's compensation laws and rules. BCOE accepts no responsibility whatsoever for the safety, security, or suitability of any alternative work site. Employee agrees to provide a picture of the remote worksite to an authorized BCOE



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

representative to inspect the Home Office as needed.

10. Employee agrees to provide a secure location for BCOE-owned equipment and materials, and will not use, or allow others to use, such equipment for purposes other than BCOE business. All equipment, records, and materials provided by BCOE shall remain BCOE property. Employee agrees to allow BCOE reasonable access to its equipment and materials.
11. Employee agrees to return BCOE equipment, records, and materials within 10 days of termination of this Agreement. All BCOE equipment will be returned to the BCOE Office by employee for inspection, repair, replacement, or repossession within 10 days written notice.
12. Outside work of any kind may not be performed by employee during the hour's employee is being paid by BCOE and may not be performed at any time utilizing BCOE equipment or resources.
13. BCOE will provide if necessary:
  - A laptop or desktop computer
  - Maintenance and repairs to BCOE owned equipment. In the event of equipment malfunction, employee must notify their manager immediately. If repairs will take a significant amount of time to complete, the BCOE IT Department will procure alternative means to allow employee to continue performing work, including asking Employee to report to BCOE's main office until the equipment is repaired
  - Additional equipment that BCOE deems necessary
  - Equipment supplies for equipment which BCOE deems necessary, which should be requisitioned through BCOE
  - Cellular phone to be used for the sole purpose of performing work for BCOE, as well as a data plan and hotspot to be used for the same reasons (optional by agreement)
  - An Internet MiFi device if a hotspot add-on to a cellular phone is not feasible
  - Any necessary business expenses, which should be submitted in accordance with BCOE's expense reimbursement policy and require advance approval
14. BCOE will generally NOT pay for the following expenses:
  - Utility costs
  - Travel expenses associated with commuting to the central office or to school site.
15. Employee agrees to follow all office procedures and rules when using sick leave, vacation, time off, or other leave credits. Overtime must be approved in advance by Employee's manager/supervisor.
16. Employee agrees to make regular dependent care arrangements while working remotely so as not to interfere with the performance of their duties.
17. Employee will implement steps for good information security at the remote worksite, and will check with their manager/supervisor when security matters are an issue.
18. BCOE retains the right to modify this Agreement on a temporary basis as a result of business necessity (for example, Employee may be required to come to the BCOE office or school site on a particular day) or at Employee's request.
19. Employee understands that they are responsible for tax and insurance consequences, if any, of this Agreement, and for conforming to any local zoning regulations.
20. Employee agrees to attend all mandatory meetings in person at the BCOE office.

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**The Employee must document and explain as part of this Agreement how working remotely will not negatively affect others' productivity:**

I have read and understand this Working Remotely Agreement and agree to its terms and conditions.

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cabinet Member's Signature**

\_\_\_\_\_  
**Date**

**\*After completed: 1 copy to employee; 1 copy to supervisor; 1 copy to personnel file**

Revised: August 2020

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**Attachment B**  
**Butte County Office of Education**  
**Equipment List for Remote Work**  
(Superintendent Policy 4113.5, 4213.5, 4313.5)

Employee Name: \_\_\_\_\_ Employee ID# \_\_\_\_\_

The list below has been reviewed and approved by the supervisor and employee who will be working remotely. This list can be periodically updated as work needs change.

Equipment/Asset #	Check-out Date	Supervisor Initials	Employee Initials	Check-In Date	Supervisor Initials	Employee Initials

- ☐ I have read and understand the Working Remotely Agreement and agree to its terms and conditions.
- ☐ The items listed above have been provided to me for work I perform remotely. I understand that this equipment remains the property of BCOE and that use of this equipment is for BCOE business only. Should any maintenance and/or repairs be required, I understand that the BCOE IT department will perform that work. I understand that should theft or vandalism occur of this equipment; my homeowner's policy may be sought for first coverage. Any damage to the equipment and/or software due to my negligence will be my responsibility.

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Cabinet Member's Signature**

\_\_\_\_\_  
**Date**

**\*After Completed: 1 copy to employee; 1 copy to supervisor; 1 copy to personnel file**

Revised: August 2020

**Attachment A**

**Butte County Office of Education  
Remote Work Agreement  
(Superintendent Policy 4113.5, 4213.5, 4313.5)**

Employee Name:

Employee ID#:

This Agreement begins on \_\_\_\_\_ and continues until \_\_\_\_\_,  
and must be renewed on an annual basis.

21. Employee will be working remotely from the following location: \_\_\_\_\_.
22. The following schedule is agreed to by Employee and Supervisor:

Days and Hours in Office or School Site (if any):

.

Days and Hours from Remote Site:

.

Employee agrees to be available during their assigned business hours for work related communication, including through such methods as phone, electronic mail, voicemail, instant messenger, fax, Zoom, etc., and agrees to respond within a reasonable time period. Employee initiated schedule changes must follow office procedures regardless of work location.

23. Employee may be required to share temporary office space when they are working in the BCOE office or school site. "Temporary office" is defined as a cubicle or office space that is not permanently assigned to any specific individual but is available to BCOE employees for use on an as-needed basis.
24. Employee must earn a "meets standards" or better in their two most recent evaluations in order to qualify for or retain this Agreement, unless working remotely is required by an emergency situation or is approved by a BCOE Cabinet member.
25. Only non-probationary employees are eligible for this program. However, working remotely may be provided to employees on probation should management determine that remote work is necessary due to an emergency situation.
26. The employee must document and explain as part of this Agreement how working remotely will not

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

negatively affect others' productivity.

27. The duties, obligations, responsibilities, and conditions of employment with BCOE are not changed by this Agreement. Employee's salary, retirement, vacation and sick leave benefits, and insurance coverage shall remain the same.
28. Employee's work hours, overtime compensation, use of sick leave, and approval of use of vacation time will conform to BCOE and departmental policies and procedures, departmental guidelines, the appropriate collective bargaining agreement, and to the terms otherwise agreed upon by the employee and BCOE.
29. Employee agrees to maintain a safe and ergonomically sound remote worksite, and to hold BCOE harmless for injury to self or others at the remote worksite except as may be subject to worker's compensation laws and rules. BCOE accepts no responsibility whatsoever for the safety, security, or suitability of any alternative work site. Employee agrees to provide a picture of the remote worksite to an authorized BCOE representative to inspect the Home Office as needed.
30. Employee agrees to provide a secure location for BCOE-owned equipment and materials, and will not use, or allow others to use, such equipment for purposes other than BCOE business. All equipment, records, and materials provided by BCOE shall remain BCOE property. Employee agrees to allow BCOE reasonable access to its equipment and materials.
31. Employee agrees to return BCOE equipment, records, and materials within 10 days of termination of this Agreement. All BCOE equipment will be returned to the BCOE Office by employee for inspection, repair, replacement, or repossession within 10 days written notice.
32. Outside work of any kind may not be performed by employee during the hour's employee is being paid by BCOE and may not be performed at any time utilizing BCOE equipment or resources.
33. BCOE will provide if necessary:
  - A laptop or desktop computer
  - Maintenance and repairs to BCOE owned equipment. In the event of equipment malfunction, employee must notify their manager immediately. If repairs will take a significant amount of time to complete, the BCOE IT Department will procure alternative means to allow employee to continue performing work, including asking Employee to report to BCOE's main office until the equipment is repaired
  - Additional equipment that BCOE deems necessary
  - Equipment supplies for equipment which BCOE deems necessary, which should be requisitioned through BCOE
  - Cellular phone to be used for the sole purpose of performing work for BCOE, as well as a data plan and hotspot to be used for the same reasons (optional by agreement)
  - An Internet MiFi device if a hotspot add-on to a cellular phone is not feasible
  - Any necessary business expenses, which should be submitted in accordance with BCOE's expense reimbursement policy and require advance approval
34. BCOE will generally NOT pay for the following expenses:
  - Utility costs
  - Travel expenses associated with commuting to the central office or to school site.
35. Employee agrees to follow all office procedures and rules when using sick leave, vacation, time off, or other leave credits. Overtime must be approved in advance by Employee's manager/supervisor.

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

- The Employee must document and explain as part of this Agreement how working remotely will not negatively affect others' productivity:**

## Attachment B

**Butte County Office of Education**  
SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**Butte County Office of Education**  
**Equipment List for Remote Work**  
(Superintendent Policy 4113.5, 4213.5, 4313.5)

Employee Name:

Employee ID#

The list below has been reviewed and approved by the supervisor and employee who will be working remotely. This list can be periodically updated as work needs change.

Equipment/Asset #	Check-out Date	Supervisor Initials	Employee Initials	Check-In Date	Supervisor Initials	Employee Initials

☐ I have read and understand the Working Remotely Agreement and agree to its terms and conditions.

☐ The items listed above have been provided to me for work I perform remotely. I understand that this equipment remains the property of BCOE and that use of this equipment is for BCOE business only. Should any maintenance and/or repairs be required, I understand that the BCOE IT department will perform that work. I understand that should theft or vandalism occur of this equipment; my homeowner's policy may be sought for first coverage. Any damage to the equipment and/or software due to my negligence will be my responsibility.

**Employee's Signature**

**Date**

**Supervisor's Signature**

**Date**

**Cabinet Member's Signature**

**Date**

**\*After Completed: 1 copy to employee; 1 copy to supervisor; 1 copy to personnel file**

Revised: August, 2020

**SP 4114**  
**TRANSFERS**

The County Superintendent or designee may transfer personnel from one assignment to another when it is believed the transfer will serve the best interests of the overall Butte County Office of Education.

**Voluntary Transfers**

Personnel may request a transfer by following procedures specified in Administrative Regulations and/or collective bargaining agreements.

After April 15 prior to the school year that a transfer would become effective, no teacher who requests to be transferred to another school shall have priority over other qualified teachers who have applied for positions requiring certification qualifications at that school.

**Involuntary Transfers**

Involuntary transfers may become necessary when programs are reduced or canceled, when schools are closed or when transfers are otherwise required in order to accommodate program needs. Such transfers also may be made in order to contribute to an employee's professional growth and/or give supervisory staff an opportunity to evaluate the employee in a different setting.

Legal Reference:

EDUCATION CODE	
35035	Powers and duties of County Superintendent
35036	Voluntary transfers
44955	Reduction in number of permanent employees
GOVERNMENT CODE	
3543.2	Scope of Representation

Approved: July 2004

Revised: November 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4114**

**AR 4214**

### **REGULATIONS REGARDING TRANSFERS**

#### **Applying for Transfers**

An employee may apply, in writing following applicable collective bargaining agreements for transfer, to a posted vacancy or the employee may make a general request for a transfer. An employee must apply for transfer prior to the end of a stated posting period to receive consideration and/or in accordance with the appropriate collective bargaining agreement.

#### **Selection for Transfer**

Qualified employees requesting a transfer into the position will be considered in accordance with the applicable collective bargaining agreement. Selection shall be based on the ability and qualifications of each applicant as well as length of service.

In the event that a teacher requests to be transferred to another school after April 15 prior to the upcoming school year the transfer would become effective, that teacher would have no priority over other qualified teachers who have applied for positions requiring certification qualifications at that school.

#### **Administrative Transfer**

The administration may initiate a transfer of an employee to meet the operational needs of the Butte County Office of Education. The employee to be transferred will be given at least five workdays advance notice and will be afforded an opportunity to discuss the transfer with the immediate supervisor.

Approved: November 2006

Revised: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **SP 4314**

#### **TRANSFERS**

The County Superintendent recognizes the importance of placing employees in positions that best utilize their skills and talents, help improve student achievement, and provide the most benefit to Butte County Office of Education.

The County Superintendent or designee, shall approve the transfer or rotation of administrative or supervisory personnel to the same position at another location for reasons including, but not limited to, the need to improve student achievement and operational efficiency, utilize the skills and talents of the employee more effectively, provide opportunities for professional growth, provide an opportunity for evaluating employees in different school settings or locations, and best accommodate the overall needs of Butte County Office of Education.

The County Superintendent or designee shall establish procedures to enable administrative or supervisory personnel to request a transfer to a vacant position.

#### Legal Reference:

##### Education Code

35031 Senior management employee in the classified service: non-reelection

35035 Additional powers and duties of superintendent

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44897 Classification of administrator or supervisor to a teaching position

44951 Continuation in position unless notified

45101 Definitions (including disciplinary action, cause)

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

52055.57 Districts identified or at risk of identification for program improvement

##### United States Code, Title 20

6316 School and district improvement

Approved: March 2007

Reviewed: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **AR 4314**

#### **REGULATIONS REGARDING TRANSFERS**

##### **Involuntary Transfer**

Before recommending the transfer or lateral rotation of an employee, the County Superintendent or designee shall confer with the affected employee and notify them of the intent to recommend the transfer. For transfers effective at the beginning of the school year, this conference shall take place before May 30. Affected employees shall be notified of the final decision, in writing, as soon as practicable.

##### **Voluntary Transfer**

The employee shall submit a transfer request to the County Superintendent or designee at the time of the known vacancy. The employee shall be notified in writing of the decision whether or not to grant the transfer request.

Transfer requests may be withdrawn by the employee at any time prior to the final decision.

Approved: March 2007

Revised: October 2023

**SP 4115**

**SP 4215**

**PERFORMANCE EVALUATION**

A continuous, uniform process for employee evaluation, assessment, and appraisal shall be provided to:

1. Promote achievement of Butte County Office of Education (BCOE) goals;
2. Provide a process for two-way communication to evaluate the performance of all certificated and classified personnel;
3. Clarify abilities and specific indicators most critical to job performance;
4. Offer recommendations, if any, regarding desired performance and improvement;
5. Increase the employees' understanding of performance from their supervisor's viewpoint;
6. Obtain data for decisions regarding retention and assignment of staff;
7. Provide a formal method of recognizing staff achievement and growth;
8. Enhance job satisfaction, self-esteem;
9. Ensure positive work relationships.

The performance appraisal process shall include the following basic steps to be followed in the evaluation and assessment of staff. The process is circular, beginning and ending with the summative employee appraisal. Each step of the process is intended to encourage a collaborative effort between the supervisor and the employee:

1. Orientation and clarification of evaluation cycle and forms;
2. Conference to review criteria upon which evaluation will be focused;
3. Development of performance plan (as applicable);
4. Formal and informal observations and data collection;
5. Formal and informal conferences based on observations and informal data collection;
6. Formal evaluation conference;
7. Summative performance appraisal.

Evaluations will be conducted and scheduled in accordance with policy and applicable Collective Bargaining Agreements (CBA).

**Teachers**

Probationary certificated employees shall be evaluated at least once each school year during the probationary period. Permanent certificated employees shall be evaluated at least every other year. Certificated employees who have permanent status, have been employed by BCOE for at least 10 years, are highly qualified, and whose previous evaluation rated the employee as meeting or exceeding standards can be evaluated every five years if both the evaluator and employee agree. Nothing precludes evaluation to be conducted at such other times, as management deems appropriate. Others shall be evaluated annually.

**Classified**

Regular classified employees shall be evaluated as outlined in their applicable CBA.

**Unsatisfactory Employees**

Employees receiving any "unsatisfactory" rating in any evaluation area shall be evaluated periodically during the proceeding year in accordance with applicable CBAs and established procedures until performance improves or separation from BCOE occurs.

**Legal Reference**

**EDUCATION CODE**

33039

35171

Guidelines for teacher evaluation

Evaluation of employee performance; printed rules

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

44660-44665	Evaluation and assessment of performance of certificated employees
44670-44671	Principal evaluation
45113	Notification of charges; classified employees
<b>GOVERNMENT CODE</b>	
3543.2	Scope of representation

Approved: July 2005

Revised: May 2024

**AR 4115**

**REGULATIONS REGARDING EVALUATION/SUPERVISION**

Evaluation of certificated employees shall be conducted in accordance with the procedures established in this administrative regulation and applicable Collective Bargaining Agreements (CBA). To the extent that any of those provisions conflict, the procedures in the CBAs shall be implemented.

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

**Frequency of Evaluations**

Each probationary certificated employee shall be evaluated at least once each school year.

In addition, probationary teachers shall be formally observed and given constructive feedback at least once each semester and more often when necessary, as part of the evaluation process. Within three school days of each formal observation, a conference shall be held between the evaluator and the probationary teacher.

The performance of each certificated employee with permanent status shall be evaluated and assessed on a continuing basis as follows:

1. At least every other year
2. Annually, if the permanent employee has received an unsatisfactory evaluation until they receive a satisfactory evaluation or is separated from Butte County Office of Education (BCOE).
3. Alternatively, a permanent employee who has been employed by the County Office at least 10 years and who was rated in their previous evaluation as meeting or exceeding standards may be evaluated at least every five years if they and the evaluator so agree. Either the evaluator or the employee may withdraw consent for the alternative schedule at any time.

**Evaluation Criteria**

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

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

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

Non-instructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities.

**Evaluation Results**

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

Non-instructional certificated staff members employed on a 12-month basis shall receive a copy of their

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

evaluation no later than June 30 of the year in which the evaluation takes place. Before July 30, the employee and the evaluator shall meet to discuss the evaluation.

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

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

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

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

Approved: November 2007

Revised: May 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4117.2**

**SP 4217.2**

**SP 4317.2**

### **RESIGNATION**

Any employee who desires to resign their position shall submit a resignation in writing, which indicates the date that the employee intends as their last day of work. The County Superintendent encourages employees to provide advance notice that is appropriate for the position they hold.

Any employee's resignation shall become effective when accepted by the department or site administrator. The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received.

Exit interviews for resigning employees will be scheduled by the Human Resources department. Information provided by employees will be confidential. The purpose of exit interviews will be to provide positive information and constructive feedback for improvement.

### **Certificated**

The County Superintendent discourages certificated employees from resigning during the school year in which they are contracted. Release from contract may depend on one of the following conditions:

1. The employee has acted in good faith in fulfilling their obligation to the Butte County Office of Education;
2. An acceptable, qualified replacement is identified and available.

When a certificated staff member leaves the employ of the Butte County Office of Education during the school year without obtaining acceptance of their resignation from the County Superintendent or leaves before the effective date of the resignation, the County Superintendent is obligated to report this fact with supporting evidence to the Commission for Teacher Preparation and Licensing. The Commission may suspend the credentials of an employee who leaves the Butte County Office of Education in this manner.

For purposes of this section, formal rejection or refusal to sign the employer's Offer of Employment by the date required thereon may be considered by the employer as a resignation.

Legal Reference:

Education Code

1294 Rights of certificated employees

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

44433 Unauthorized departure from service as unprofessional conduct

44930 Acceptance and date of resignation

45201 Power to accept resignation

Approved: July 2005

Revised: October 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **AR 4117.7**

#### **REGULATIONS REGARDING EMPLOYMENT STATUS REPORTS**

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

1. Dismissal
2. Non-re-election/non-re-employment
3. Suspension for more than 10 days
4. Placement on unpaid administrative leave for more than 10 days pursuant to a final adverse employment action
5. Resignation, retirement, or other departure from employment
6. Termination by a decision not to employ or re-employ

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

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

The County Superintendent or designee shall inform the employee in writing of the contents of current California Code of Regulations regarding a change in employment status as a result of alleged misconduct.

Within 10 days after receipt of a complaint, information, or indictment regarding an employee who has been charged with a "mandatory leave of absence offense" the County Superintendent or designee shall forward a copy of the received documents to the CTC. In addition, he/she shall report to the CTC any action taken in connection with extending the employee's mandatory leave beyond the initial period.

#### **Notice of Other Violations**

The County Superintendent or designee may notify the CTC of any of the following:

1. A complaint received by Butte County Office of Education regarding a credential holder's alleged sexual misconduct  
The notice shall contain all of the following information:
  - a. Name of the employee alleged to have engaged in the sexual misconduct
  - b. Name, age, and address of each victim of the alleged sexual misconduct
  - c. A summary of all information known regarding the alleged sexual misconduct
  - d. A summary of the action, if any, taken in response to the complaint of sexual misconduct
2. An employee's refusal, without good cause, to fulfill a valid employment contract, or departure from service without the consent of the County Superintendent
3. An employee's knowing and willful use of student records in connection with, or in implicit or explicit attempts to recruit a student to be a customer for, any business owned by the credential holder or in which the credential holder is an employee
4. An employee's knowing and willful reporting of false fiscal expenditure data relative to the conduct of any educational program

Approved: November, 2008

Revised:

SP 4118  
SP 4218  
SP 4318

**DISMISSAL / DEMOTION / SUSPENSION /DISCIPLINARY ACTION**

The County Superintendent expects all employees to perform their jobs satisfactorily and to exhibit professional appropriate conduct. A permanent employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable Collective Bargaining Agreement, Superintendent’s policy or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee’s conduct or performance. An employee’s private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students, staff, or any other violation of law, Superintendent’s policy, or administrative regulation.

In addition, an employee shall not be disciplined or retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or refusing to infringe upon a student’s conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension, reduction of pay step in class, compulsory leave, and dismissal.

The County Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

Classified probationary employees may be dismissed or demoted prior to completion of the probationary period.

Permanent employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulations.

A permanent or probationary employee shall not be considered to have been dismissed or demoted until final action is taken by the County Superintendent.

**Suspension With Pay**

The County Superintendent or Deputy or Assistant Superintendent may place an employee on administrative leave with pay at any time.

**Procedures for Serious Disciplinary Proceedings**

The County Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee.

Certificated and classified management employees (with the exception of Senior Management) will be afforded the same processes as found in AR 4118 and AR 4218, respectively.

Legal Reference:

<b>State</b>	
EDUCATION CODE	
1311	Classified county school employees
44008	Effect of termination of probation
44009-11	Conviction of specified crimes
44242.5	Reports and review of alleged misconduct
44425	Conviction of sex or narcotic offense
44660-44988	Resignations, dismissals and leaves of absence

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

44830.1	Criminal record summary certificated employees
45101	Definitions; disciplinary action and cause
45109	Fixing of duties
45113	Notification of charges; classified employees
45116	Notice of disciplinary action
45123	Employment after conviction of controlled substance offense
45302	Demotion and removal from permanent classified service
45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
45304	Compulsory leave of absence for classified persons
48907	Exercise of free expression; time, place and manner rules and regulations
48950	Speech and other communication
51530	Advocacy of communism
GOVERNMENT CODE	
1028	Disqualifications for office or employment; Advocacy of communism
11505-11506	Hearing
3543.2	Scope of representation
HEALTH & SAFETY CODE	
11054	Schedule I; Substances included
11055	Schedule II; substances included
11056	Schedule III; substances included
11357-11361	Marijuana
11363	Peyote
11364	Opium
11370.1	Possession of controlled substances with a firearm
PENAL CODE	
11165.2-11165.6	Child abuse or neglect; definitions
1192.7	Plea bargaining limitation
187	Murder
291	School employees arrest for sex offense
667.5	Prior prison terms; enhancement of prison terms
<b>CALIFORNIA CODE OF REGULATIONS, TITLE 5</b>	
80303	Reports Of change in employment status; alleged misconduct
80304	Notice of sexual misconduct
CA CONSTITUTION	
Article 1, Section 1	Inalienable rights
<b>Federal</b>	
U.S. CONSTITUTION	
Amendment 1	Free exercise, free speech, and establishment clause

Approved: July 2010

Revised: October 2024

**AR 4118**

**REGULATIONS REGARDING SUSPENSION/DISCIPLINARY ACTION**

**Causes for Suspension or Dismissal**

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes:

1. Immoral conduct including, but not limited to, egregious misconduct. "Egregious misconduct" is defined exclusively as a sex offense or controlled substance offense as described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 prohibiting the advocacy or teaching of communism
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct.

**Suspension/Dismissal of Permanent Employees**

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. If the charges against the employee are for unsatisfactory performance, the employee must be given written notice of the unsatisfactory performance, specifying the nature of the unsatisfactory performance and specific instances of behavior with sufficient information that allows an opportunity for the employee to correct their faults and overcome the grounds for the charge. The written notice of unsatisfactory performance shall include the evaluation made pursuant to Education Code 44660 and shall be made at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. Notice of unsatisfactory performance may only be given during the instructional year of the school site where the employee is physically employed and may be served personally or by registered mail to the employee's last known address.
2. If the charges against the employee are for unprofessional conduct, the employee must be given written notice that describes the nature of the unprofessional conduct with sufficient information that allows an opportunity for the employee to correct their faults and overcome the grounds for the charge and includes the evaluation made pursuant to Education Code 44660-44665. The written notice of unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice.
3. When the County Superintendent finds that there is cause to suspend or dismiss an employee, a written statement of charges specifying the instances of behavior and acts or omission constituting the charge, the statutes and rules the employee is alleged to have violated when applicable, and the facts relevant to each charged shall be formulated. If the charges are filed by another person, the County Superintendent shall review and verify the written statement of charges.
4. Based on the written statement, the County Superintendent may give notice to the employee of their intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. Such notice may be served at any time of the year and:
  - a. Served personally if given outside of the instruction year; or
  - b. Served personally or by registered mail to the employee's last known address if given during the instructional year.
5. The notice of intention to suspend or dismiss given to the employee shall be in writing and include a copy of Article 3 (Education Code 44930-44988). If the employee does not demand a hearing within the 30-day period they may be dismissed upon the expiration of 30 days after service of the notice.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

6. If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the County Superintendent shall either rescind its action or schedule a hearing on the matter.
7. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the County office and the employee so stipulate.
8. Except when the employee is charged solely with egregious misconduct, as defined above, the County office can amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge.
9. The employee shall be suspended or dismissed when the Commission on Professional Competence of administrative law judge has issued its decision supporting suspension or dismissal, or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss.
10. The County Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending.

#### **Suspension/Dismissal of Probationary Employees**

The County Office may choose not to rehire probationary employees for the following school year without giving a statement of reasons, if proper notice is provided by March 15.

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in it items 1 -11 above or for unsatisfactory performance determined pursuant to Education Code 44660-44665.

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.
2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.
3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

#### **Compulsory Leave of Absence**

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the County Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense is defined to mean charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any sex offense as defined in Section 44010, with a violation or attempted violation of Section 187 of the Penal Code, or with the commission of any offense involving aiding or abetting the unlawful sale, use, or exchange to minors of controlled substances listed in Schedules I, II, or III, as contained in Sections 11054, 11044, and 11056 of the Health and Safety Code.

1. Upon receipt of notification that a certificated employee has been charged with a mandatory leave of absence offense, the County Superintendent or designee shall immediately place the employee on compulsory leave of absence.
2. No later than 10 days after receipt of the complaint, information, or indictment, the County Superintendent or designee shall forward a copy to the Commission on Teacher Credentialing.
3. An employee's compulsory leave may extend for not more than 10 days after the entry of judgment in the proceedings. However, the County Superintendent may extend a certificated employee's compulsory leave by

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

giving notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless they demand a hearing.

4. An employee placed on compulsory leave of absence shall continue to be paid in accordance with Education Code 44940.5.

### **Optional Leave of Absence**

The County Superintendent may require an immediate compulsory leave of absence when a certificated employee is charged with an "optional leave of absence offense" defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

If the employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense.

Employees on an optional leave of absence shall be subject to the same requirements regarding extension of the leave, furnishing of a bond, and payment of salaries for employees charged with mandatory leave of absence offenses.

Upon receipt of telephone or electronic mail notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of the second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of written electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure pursuant to Education Code 44830.1.

Approved: November 2008

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4119.2**

**SP 4219.2**

**SP 4319.2**

### **CHILDREN IN THE WORKPLACE**

Butte County Office of Education does not provide any type of childcare assistance program for employees. In order to fulfill insurance liability, safety standards, supervision, employee responsibilities and the purposes and functions of the Butte County Office of Education, employees are required to provide for their children's care outside of the Butte County Office of Education facilities.

Approved: July 2004

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**SP 4119.11**

**SP 4219.11**

**SP 4319.11**

### **SEXUAL HARASSMENT**

The following policy shall apply to all Butte County Office of Education (BCOE) employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with BCOE.

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

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 County 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 BCOE's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

Any employee or job applicant who feels that they have been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to their supervisor, a BCOE administrator, the director of Human Resources or the BCOE Title IX Coordinator. An employee may bypass their supervisor in filing a complaint where the supervisor is the subject of the complaint.

A supervisor, Principal or other 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 AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 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 employee who is found to have engaged or participated in sexual harassment or who aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Legal Reference:

Education Code

200 et al. Prohibition of discrimination on the basis of sex

Government Code

12900-12996 Fair Employment and Housing Act, especially 12940

Prohibited discrimination

12950.1 Sexual harassment training Labor

Code



# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

1101 Political activities of employees 1102.1

Discrimination: sexual orientation Code of  
Regulations, Title 2

7287.8 Retaliation

7288.0 Sexual harassment training and education Code of  
Regulations, Title 5

4900-4965 Non-discrimination in elementary and secondary education programs receiving state financial assistance  
United States Code, Title 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments Code of  
Federal Regulations, Title 34

106.9 Dissemination of policy

Approved:           October 22, 2008

Revised:            November 2015  
                          October 2020

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4119.11**

**AR 4219.11**

**AR 4319.11**

### **REGULATIONS REGARDING SEXUAL HARASSMENT**

This administrative regulation 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 a student. AR 4119.12/4219.12/4319.12 – 2020 Title IX Sexual Harassment Complaint Procedures will be used for conduct that occurred prior to August 1, 2024, and meets the definition and jurisdiction requirements for the 2020 Regulations for Title IX as described AR 4119.12/4219.12/4319.12 – 2020 Title IX Sexual Harassment Complaint Procedures.

Other sexual harassment complaints of conduct occurring prior to August 1, 2024, shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment. AR 4119.13/4219.13/4319.13 – 2024 Title IX Sex Discrimination Grievance Procedures will be used for allegations of sex discrimination, including sex-based harassment, when the conduct occurred on or after August 1, 2024.

### **Definitions**

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 educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the 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 county office

### **Examples of Sexual Harassment**

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, 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 emails; 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

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### **Title IX Coordinator**

BCOE designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to oversee, investigate, and resolve sexual harassment complaints under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator or designee may be contacted at:

Mikeial Williamson

Title IX Coordinator/Assistant Superintendent, Human Resources

Address: 1859 Bird Street

Oroville, CA 95965

Telephone: 530-532-5766

Email: mwilliamson@bcoe.org

### **Training**

Every two years, the County 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) Additional training requirements related to the 2024 Title IX Regulations are applicable to all employees promptly upon hiring and annually.

A supervisory employee is any employee having the authority, in the interest of BCOE, 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)

BCOE's sexual harassment training and education program shall include, but not be limited to, the following: (Government Code 12950.1; 2 CCR 11024)

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 include BCOE's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

11. The essential elements of BCOE's anti-harassment policy, and how to use the policy if a harassment complaint is filed
12. Employees shall receive a copy of BCOE's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.
13. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
14. 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 other 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 County 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 11024)

### Notifications

The County Superintendent or designee shall notify employees that BCOE 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 BCOE may be referred to BCOE's Title IX Coordinator and/or the Office of Civil Rights. (34 CFR 106.8)

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

A copy of the Superintendent's policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, or other locations where notices of rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or publication that sets forth the school's or Butte County Office of Education's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the county office's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive either a copy of information sheets prepared by the California Civil Rights Department (CCRD) or a copy of BCOE information sheets 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 complaint process available to the employee
5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD 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 CCRD and the EEOC

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

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

### Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and county office procedures. The Title IX Coordinator or designee shall review the allegations to determine the applicable procedure for responding to the complaint. AR 4119.12/4219.12/4319.12 – 2020 Title IX Sexual Harassment Complaint Procedures will be used for conduct that occurred prior to August 1, 2024, and meets the definition and jurisdiction requirements of the 2020 Regulations for Title IX, as described in AR 4119.12/4219.12/4319.12 – 2020 Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints of conduct occurring prior to August 1, 2024, shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment. AR 4119.13/4219.13/4319.13 – 2024 Title IX Sex Discrimination Grievance Procedures will be used for allegations of sex discrimination, including sex-based harassment, when the conduct occurred on or after August 1, 2024.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Superintendent to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
2 CCR 11006-11086	<u>Discrimination in employment</u>
2 CCR 11009	Employment discrimination
2 CCR 11021	<u>Discrimination in employment - retaliation</u>
2 CCR 11023	<u>Harassment and discrimination prevention and correction</u>
2 CCR 11024	<u>Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</u>
2 CCR 11034	<u>Terms, conditions, and privileges of employment</u>
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
Gov. Code 12940	<u>Unlawful discriminatory employment practices</u>
Gov. Code 12950	<u>Sexual harassment</u>
Gov. Code 12950.1	<u>Sexual harassment training</u>
Lab. Code 1101	<u>Political activities of employees</u>
Lab. Code 1102.1	Discrimination: sexual orientation
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9	Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.51-106.61	Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
Court Decision	Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

Court Decision	Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Civil Rights Department</u></a>
Website	<a href="#"><u>U.S. Department of Education, Office for Civil Rights</u></a>
Website	<a href="#"><u>U.S. Equal Employment Opportunity Commission</u></a>

### Cross References

Code	Description
0410	<a href="#"><u>Nondiscrimination In District Programs And Activities</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(1)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(2)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1313	<a href="#"><u>Civility</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3600	<a href="#"><u>Consultants</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4030	<a href="#"><u>Nondiscrimination In Employment</u></a>
4040	<a href="#"><u>Employee Use Of Technology</u></a>
4040-E(1)	<a href="#"><u>Employee Use Of Technology</u></a>
4112.9	<a href="#"><u>Employee Notifications</u></a>
4112.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4117.7	<a href="#"><u>Employment Status Reports</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4119.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.12-E(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4119.21	<a href="#"><u>Professional Standards</u></a>
4119.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4119.22	<a href="#"><u>Dress And Grooming</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4144	<a href="#"><u>Complaints</u></a>
4144	<a href="#"><u>Complaints</u></a>
4212.9	<a href="#"><u>Employee Notifications</u></a>
4212.9-E(1)	<a href="#"><u>Employee Notifications</u></a>
4218.1	<a href="#"><u>Dismissal/Suspension/Disciplinary Action (Merit System)</u></a>
4219.12	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.12-E(1)	<a href="#"><u>Title IX Sexual Harassment Complaint Procedures</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>
4219.21-E(1)	<a href="#"><u>Professional Standards</u></a>
4219.22	<a href="#"><u>Dress And Grooming</u></a>

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE

4231	<u>Staff Development</u>
4244	<u>Complaints</u>
4244	<u>Complaints</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4317.7	<u>Employment Status Reports</u>
4319.12	<u>Title IX Sexual Harassment Complaint Procedures</u>
4319.12-E(1)	<u>Title IX Sexual Harassment Complaint Procedures</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.71	<u>Title IX Sexual Harassment Complaint Procedures</u>
5145.71-E(1)	<u>Title IX Sexual Harassment Complaint Procedures</u>

Approved: October 2008

Revised: November 2015

October 2020

October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

**AR 4119.12**

**AR 4219.12**

**AR 4319.12**

### **PERSONNEL**

#### **Title IX Sexual Harassment Complaint Procedures**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a Butte County Office of Education (BCOE) employee was subjected to one or more of the following forms of sexual harassment:

1. A BCOE employee conditioning the provision of a BCOE aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to BCOE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(34 CFR 106.30) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

All other sexual harassment complaints shall be investigated and responded to pursuant to AR 4030 - Nondiscrimination in Employment.

(cf. 4030 - Nondiscrimination in Employment)

A report of sexual harassment shall be submitted directly to or forwarded to BCOE's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 - Sexual Harassment.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the process for filing a formal complaint.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations in which a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations. In such cases, the alleged victim is not a party to the case, but will receive notices as required by the Title IX regulations at specific points in the complaint process.

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by BCOE. (34 CFR 106.30)

The County Superintendent or designee shall ensure that the Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such persons receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

#### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures which are non-disciplinary, nonpunitive, and do not unreasonably burden the other party. Such measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. The Title IX Coordinator shall consider the complainant's wishes with respect to supportive measures. (34 CFR 106.30, 106.44)



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

### Emergency Removal

If a BCOE employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, BCOE may, on an emergency basis, remove the student from BCOE's education program or activity, provided that BCOE conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

### Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint that did not occur in BCOE's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies BCOE in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by BCOE, or sufficient circumstances prevent BCOE from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the parties, send written notice of the dismissal and the reasons for the dismissal. (34 CFR 106.45)

If a complaint is dismissed on the grounds that the alleged conduct does not constitute sexual harassment as defined in 34 CFR 106.30, the conduct may still be addressed pursuant to AR 4030 - Nondiscrimination in Employment as applicable.

### Informal Resolution Process

When a formal complaint of sexual harassment is filed, BCOE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. BCOE shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

BCOE may facilitate an informal resolution process provided that BCOE:

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process (34

CFR 106.45)

### Formal Complaint Process

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. BCOE's complaint process, including any informal resolution process

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, BCOE investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall provide either party with no less than three calendar days to raise concerns of conflict of interest or bias regarding any of these persons.

During the investigation process, BCOE shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although BCOE may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response
9. After sending the investigative report to the parties and before reaching a determination regarding responsibility, afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

### **Written Decision**

The County Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 45 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, BCOE shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. (34 CFR 106.45)

The written decision shall include the following pursuant to 34 CFR 106.45:

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.
3. Findings of fact supporting the determination
4. Conclusions regarding the application of BCOE's code of conduct to the facts

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions BCOE imposes on the respondent, and whether remedies designed to restore or preserve equal access to BCOE's educational program or activity will be provided by BCOE to the complainant
6. BCOE's procedures and permissible bases for the complainant and respondent to appeal Appeals

Either party may appeal BCOE's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, BCOE shall:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties (34

CFR 106.45)

An appeal must be filed in writing within 10 calendar days of receiving the determination, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered. Either party has the right to file a complaint with the U.S. Equal Employment Opportunity Commission.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

### **Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, BCOE shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be non-disciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

### **Disciplinary Actions**

BCOE shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE

When an employee is found to have committed sexual harassment or retaliation, BCOE shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Report) (cf.

4118 - Suspension/Disciplinary Action)

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

4218 - Suspension/Disciplinary Action)

### Record-Keeping

The County Superintendent or designee shall maintain for a period of seven years a record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, any appeal or informal resolution and the results therefrom, and responses made pursuant to 34 CFR 106.44. (34 CFR 106.45)

The County Superintendent or designee shall also maintain for a period of seven years all materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. BCOE shall make such training materials publicly available on its web site. (34 CFR 106.45)

(cf. 3580 – Butte County Office of Education Records)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex 48900

Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment 48985

Notices, report, statements and records in primary language

#### CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships 1714.1 Liability of parents/guardians for willful misconduct of minor

#### GOVERNMENT CODE

12950.1 Sexual harassment training

#### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED

#### STATES CODE, TITLE 20

1092 Definition of sexual assault 1221

Application of laws

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1232g Family Educational Rights and Privacy Act

1681-1688 Title IX of the Education Amendments of 1972 UNITED STATES CODE, TITLE 34

12291 Definition of dating violence, domestic violence, and stalking UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights 2000d-

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

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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

Approved:      October 2020

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.21**

**SP 4219.21**

**SP 4319.21**

### **CODE OF ETHICS**

The County Superintendent expects employees to maintain the highest ethical standards, exhibit professional behavior, follow Butte County Office of Education Superintendent's Policies and Administrative Regulations, and abide by state and federal laws. Employee conduct should enhance the integrity of Butte County Office of Education and advance the goals of Butte County Office of Education's educational programs. Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of students.

The County Superintendent encourages employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

### **Staff Conduct with Students**

The County Superintendent expects all employees to exercise good judgment and maintain professional standards and boundaries when interacting with students both on and off school property. Inappropriate employee conduct shall include, but not be limited to, engaging in harassing or discriminatory behavior; engaging in inappropriate socialization or fraternization with a student; soliciting, encouraging, or establishing an inappropriate written, verbal, or physical relationship with a student; furnishing tobacco, alcohol, or other illegal or unauthorized substances to a student; or engaging in child abuse.

An employee who observes or has evidence of inappropriate conduct between another employee and a student shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse shall file a report pursuant to Butte County Office of Education's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

Any employee who is found to have engaged in inappropriate conduct with a student in violation of law or this policy shall be subject to disciplinary action.

Legal Reference:

Education Code

200-262.4 Prohibition of discrimination on the basis of sex

Penal Code

11164-11174.4 Child Abuse and Neglect Reporting Act

Code of Reg., Title V

80331-80338 Rules of conduct for Professional Educators

Approved: July, 2009

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4119.21**

**AR 4219.21**

**AR 4319.21**

### **REGULATIONS REGARDING CODE OF ETHICS**

#### **Rules of Conduct**

The County Superintendent expects professional educators to follow the Rules of Conduct as outlined in the Code of Regulations, Title V, Section 80331-80338 and attached as Exhibit A (4119.21/4219.21/4319.21).

These rules are binding upon every employee of the Butte County Office of Education. The consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder in addition to appropriate disciplinary action;

Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of the Butte County Office of Education staff or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited;

As used in regulations:

"Certificated person" means any person who holds a certificate, permit, credential, or other license authoring the performance of teaching or education-related service in grades K through 12 in California public schools;

"professional employment: means the performance for compensation of teaching or other education-related employment;

"Confidential information" means information made confidential by Section 35301 of the Education Code; or, information which was provided to the person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

Approved: July, 2009

Revised:



**EXHIBIT A (4119.21)**

**RULES OF CONDUCT**

**EXHIBIT A (4219.21)**

**EXHIBIT A (4319.21)**

**80332 Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation**

1. Employees shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall (s)he agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.
2. This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue.

**80333 Withdrawal from Professional Employment**

A certificated person shall not abandon professional employment without good cause. "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

**80334 Unauthorized Private Gain or Advantage**

A certificated person shall not:

1. Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;
2. Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer;
3. Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which (s)he is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

**80335 Performance of Unauthorized Professional Services**

A certificated person shall not, after July 1, 1989:

1. Knowingly, accept an assignment to perform professional services if (s)he does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the County Superintendent of schools in writing of the incorrect assignment, and the County Superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in Education Code Section 44258.9 (g) (2) and (3) .
2. Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

to correct the situation but has been unsuccessful, and has notified the County Superintendent of those attempts, and the County Superintendent has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.

3. Neither (1) nor (2) shall be applicable in a situation where extraordinary circumstances make the correction of the miss-assignment impossible.
4. There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

#### **80336 Performance with Impaired Faculties**

A certificated person shall not:

1. Perform or attempt to perform any duties or services authorized by his/her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
2. Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

For the purpose of this section, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of or inadequate professional preparation or education.

#### **80337 Harassment and Retaliation Prohibited**

No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Butte County Board of Education, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

#### **80338 Discrimination Prohibited**

A certificated person shall not, without good cause, in the course and scope of his/her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.

Approved: July, 2004

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.22**

**SP 4219.22**

**SP 4319.22**

### **DRESS CODE**

Appropriate dress and grooming by Butte County Office of Education employees contribute to a productive learning environment and model positive behavior. During work hours and at County Office activities, employees shall maintain professional standards of dress and grooming that demonstrates a high regard for education.

Employees shall report to work dressed in a manner that is appropriate and consistent with their job assignment. No clothing shall be worn which:

1. Creates a safety hazard;
2. Is excessively revealing or provocative;
3. Displays any words, pictures, or designs, which would be considered by reasonable standards, to be vulgar, profane, and inappropriate for the workplace; or otherwise set an inappropriate example to students, parents or other employees.

Employees shall be allowed to appear and dress in a manner consistent with their gender identity or gender expression.

Employees shall not be discriminated against based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists.

The Butte County Office of Education shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices.

Legal Reference:

#### **EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

#### **GOVERNMENT CODE**

12926 Definitions

12940 Unlawful discriminatory employment practices

12949 Dress standards: consistency with gender identity

3543.2 Scope of representation

Approved: July 2004

Revised: October 2023

Butte County Office of Education  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

SP 4119.23  
SP 4219.23  
SP 4319.23

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The County Superintendent, the Butte County Board of Education, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of the Butte County Office of Education permit disclosure. Information and records pertaining to closed sessions; negotiations and student records are not subject to public disclosure.

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

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

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

Legal Reference:

Education Code

35010	General provisions
35146	Meetings
44031	Rights and duties
44932	Resignations, Dismissals, and Leaves of Absence
44933	Resignations, Dismissals, and Leaves of Absence
45113	Employment
49060-49078	Pupil records

Government Code

1098	Prohibitions Applicable to Specified Officers
3540	General Provisions
54957	Meetings
54957.2	Meetings
54957.6	Meetings

Labor Code

1102.5	Political affiliations
--------	------------------------

United States Code, Title 20

1232g	Family Educational Rights Privacy Act
-------	---------------------------------------

Approved: July 2004

Reviewed: October 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.25**

**SP 4219.25**

**SP 4319.25**

### **POLITICAL ACTIVITIES OF EMPLOYEES**

The County Superintendent respects the right of school employees to engage in political activities on their own time. When engaging in such activities, employees shall make it clear that they are acting as individuals and not as representatives of Butte County Office of Education (BCOE).

No employee shall be prohibited from soliciting or receiving political funds or contributions to promote the support or defeat of a ballot measure during nonworking time, including before and after school, during the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

BCOE employees shall not:

1. Use County funds, services, supplies, equipment, work hours, or other public resources to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054, 7056; Government Code 8314)
2. Use the BCOE seal in any campaign literature or mass mailing with the intent to deceive voters, including, but not limited to, the use of reproduction or facsimile of the seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by the County Superintendent, The Board, a Board member, or BCOE (Elections Code 18304)
3. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions (Education Code 7056)
4. During working hours, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures
5. Use BCOE equipment for the preparation or reproduction of political campaign materials
6. Post or distribute political campaign materials in classrooms, through distance learning platforms, or on BCOE property
7. Disseminate political campaign materials through the BCOE mail service, e-mail, or staff mailboxes
8. Use students to write, address, or distribute political campaign materials
9. Present viewpoints on particular candidates or ballot measures in the classroom without giving equal time to the presentation of all perspectives
10. Wear buttons, hats, or other articles of clothing that express political opinions on ballot measures or candidates during instructional time

### **POLITICAL ACTIVITIES OF EMPLOYEE ORGANIZATIONS**

Employee organizations shall not use county funds, services, supplies, or equipment, such as staff mailboxes or the BCOE mail system, to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board or Superintendence. (Education Code 7054)

No employee organization or its officers, agents, or representatives shall be prohibited from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure during nonworking time, including before and after school, the lunch period, or other scheduled work intermittency during the school day. (Education Code 7056)

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

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

**Education Code**

7050-7058	Political Activities of School Officers and Employees
35174	Powers and duties
38130-38139	Civil Center Act
51520	Prohibited Solicitations on School Premises

**Elections Code**

18304	Prohibition Against Use of District Seal in Campaign Literature
-------	---

**Government Code**

82041.5	Mass Mailing
8314	Unlawful Use of State Resources

Approved: July 2004

Revised: October 2022

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.41**

**SP 4219.41**

**SP 4319.41**

### **EMPLOYEES WITH INFECTIOUS DISEASE**

The County Superintendent desires to promote the health of students and staff in order to reduce absenteeism and enhance student and employee performance. The County Superintendent or designee shall develop strategies to prevent the outbreak or spread of infectious diseases at all workplace locations.

An infectious disease is one that is caused by a microorganism and is potentially transmittable to another individual, whether through airborne transmission, bloodborne transmission, skin-to-skin contact, foodborne transmission, or other casual or non-casual means. A communicable infectious disease, such as influenza or chicken pox, is contagious and can be readily transmitted by infectious bacteria or viral organisms.

In accordance with law, job applicants shall be required to provide evidence that they are free of tuberculosis or any other communicable infectious disease prior to beginning employment.

To prevent the outbreak or spread of infectious diseases, the County Superintendent or designee may provide infection prevention supplies and information to employees, including information about recommended vaccinations. Employees also shall observe universal precautions to avoid contact with potentially infectious blood or other bodily fluids.

Plans for addressing a communicable infectious disease outbreak, including, but not limited to, plans for addressing employee shortages during such an outbreak, shall be included in the emergency preparedness plan.

The County Superintendent or designee shall immediately report to the local health officer the presence or suspected presence of any communicable infectious disease. In addition, a school nurse or other health care provider who knows of or is in attendance on a case or suspected case of any of the diseases or conditions listed in the Code of Regulations, Title 17, Section 2500 shall make a report to the local health officer. If no health care provider is in attendance, any individual having knowledge of a person who is suspected to be suffering from one of the specified diseases or conditions may make a report to the local health officer.

### **Nondiscrimination/Reasonable Accommodation**

Butte County Office of Education shall not discriminate against any employee or job applicant who has an infectious disease that meets the federal or state definition of a disability under the Americans with Disabilities Act, California Fair Employment and Housing Act, or Section 504 of the Federal Rehabilitation Act.

Upon request, any qualified person with a disability shall be provided reasonable accommodation to perform the essential duties of their position in accordance with the criteria and processes described in Butte County Office of Education's Superintendent's Policy 4032 - Reasonable Accommodation.

### **Legal Reference:**

#### **Education Code**

44839	Medical certificate; periodic medical examination
44839.5	Requirements for employment of retirant
49406	Examination for tuberculosis (employees)

#### **Civil Code**

56-56.37	Confidentiality of medical information
----------	--

#### **Government Code**



# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

12900-12996	Fair Employment and Housing Act
<b>Health And Safety Code</b>	
120975-121020	Mandated blood testing and confidentiality to protect public health
<b>Code of Regulations, Title 2</b>	
7293.5 -7294.2	Discrimination based on disability
<b>Code of Regulations, Title 5</b>	
5502-5504	Medical certification
<b>Code of Regulations, Title 17</b>	
2500	Reportable diseases and conditions
2508	Reporting of communicable diseases; duty of schools
<b>United States Code, Title 29</b>	
794 Section 504 of the Rehabilitation Act of 1973	
<b>United States Code, Title 42</b>	
12101-12213	Americans with Disabilities Act

Approved: July 2004

Revised: November 2015

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.42**

**SP 4219.42**

**SP 4319.42**

### **EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

The County Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. A written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) shall be established.

The County Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the Butte County Office of Education's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

Any employee not identified as having occupational exposure in the Butte County Office of Education's exposure determination may petition to be included in the employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Human Resources Assistant Superintendent who shall evaluate the request and notify the petitioners of his/her decision. The Human Resources Assistant Superintendent may deny a request when there is no reasonable anticipation of contact with infectious material.

#### Legal Reference:

##### Labor Code

142.3 Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

##### Code of Regulations, Title 8

3204 Access to employee exposure and medical records

5193 California bloodborne pathogens standards

##### Code of Federal Regulations, Title 29

1910.1030 OSHA bloodborne pathogens standards

Approved: October, 2008

Revised: November 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4119.42**

**AR 4219.42**

**AR 4319.42**

### **REGULATIONS REGARDING EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

#### **Definitions**

Occupational Exposure means "reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties."

Exposure Incident means "a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties." Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions."

#### **Exposure Control Plan**

The Butte County Office of Education's Exposure Control Plan shall contain at least the following components:

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials;
2. A description of the schedule and method for implementing exposure control requirements, including, but not limited to:
  - a. Universal precautions;
  - b. Engineering and work practice controls;
  - c. Personal protective equipment;
  - d. Housekeeping schedules;
  - e. Hepatitis B vaccination;
  - f. Post-exposure evaluation and follow-up;
  - g. Informing employees about biohazards, including (1) labels and signs, and (2) training;
  - h. Maintenance of training and medical records.
3. The Butte County Office of Education's procedure for evaluating circumstances surrounding exposure incidents.

The Human Resources Department shall annually and whenever necessary, review and update the exposure control plan to:

1. Reflect new or modified tasks and procedures affecting occupational exposure;
2. Reflect new or revised employee positions with occupational exposure;
3. Review the exposure incidents, which occurred since the previous update.

The Butte County Office of Education's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying.

#### **Exposure Determination**

The Butte County Office of Education's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

1. All job classifications in which all employees have occupational exposure to bloodborne pathogens.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

2. Job classifications in which some employees have occupational exposure.
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above.

### **Hepatitis B Vaccination**

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B waiver statement as required by law.

### **Protective Equipment**

The Butte County Office of Education shall provide appropriate personal protective equipment at no cost to the employee. The Butte County Office of Education shall maintain, repair, make accessible and require employees to use and properly handle protective equipment.

### **Information and Training**

The Butte County Office of Education shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Employees who fall within the definition of designated first-aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious.

### **Exposure Incidents**

All exposure incidents must be reported as soon as possible to the Human Resources Assistant Superintendent. Following a report of an exposure incident, the Butte County Office of Education shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The Butte County Office of Education shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

### **Records**

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus thirty years. Training records shall be maintained for three years from the date of training.

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law.

Approved: October, 2008

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4119.43**

**SP 4219.43**

**SP 4319.43**

### **UNIVERSAL PRECAUTIONS**

All employees of Butte County Office of Education will be annually informed about precautions that can be taken to prevent exposure to AIDS/HIV and Hepatitis B in any work setting.

Employees with responsibility for administering first aid in school and on school buses should have current instruction and certification.

When providing school employee's first-aid training and training in CPR, adherence to current recommendations of the American Red Cross and the American Heart Association about using universal precautions to prevent the spread of infectious diseases is essential.

Universal precautions shall be observed throughout the Butte County Office of Education to protect employees, students, and any other persons in the work or school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious disease and shall be used regardless of whether blood borne pathogens are known to be present.

#### Legal Reference:

Health And Safety Code

117600-118360 Medical Waste

120875 Acquired Immune Deficiency Syndrome (Aids) Information

120880 Acquired Immune Deficiency Syndrome (Aids) Information

Code of Regulations, Title 8

5193

Code of Federal Regulations, Title 29

1910.1030

Approved: July, 2004

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4119.43**

**AR 4219.43**

**AR 4319.43**

### **REGULATIONS REGARDING UNIVERSAL PRECAUTIONS**

#### **Definition**

Universal precautions is an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. [Title 8, Section 5193]

Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions, and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other disease. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions;
2. Wash hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
  - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects for surfaces.
  - b. Immediately after removing gloves, gowns, or smocks.
  - c. Before eating, drinking or feeding.
  - d. Before handling food, cleaning utensils or kitchen equipment.
  - e. Before and after using the toilet or diapering.When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.
3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other non-disposable items in the disinfectant.
4. Properly dispose of contaminated materials and label them as biohazardous.
  - a. Place blood, body fluids, gloves, bloody dressings, and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
  - b. Place needles, syringes, and other sharp disposable objects in leak-proof, puncture-proof containers.
  - c. Bag soiled towels/other laundry. Presoak with disinfectant and launder with soap and water.
  - d. Dispose of urine, vomitus, or feces in the sanitary sewer system.
5. Do not care for others' injuries if you have any uncovered bleeding or oozing wounds or non-intact skin conditions.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

6. Use a mouthpiece, resuscitation bag, or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report any exposure incident or first aid incident in accordance with the Butte County Office of Education's Exposure Control Plan.

Approved: July, 2004

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4120**

**SP 4220**

**SP 4320**

### **OTHER PERSONNEL**

#### **Professional Experts**

Professional experts are employees who are hired on a temporary basis for a specific project or purpose regardless of the length of employment.

They are hired at the discretion of the County Superintendent.

They are not required to have certification and will not be a part of the classified service or represented by an employee bargaining unit.

Their employment is determined by the continuation of the specific program or project for which they were hired and the availability of funds in that project. The length of time for their employment and the conditions thereof will be determined by the availability of those special project funds and/or the discretion of the County Superintendent.

The County Superintendent fixes the duties and sets the compensation of professional expert employees. The County Superintendent will also determine the line of responsibility, supervision and evaluation.

#### **Professional Expert Employees**

They will be represented by the Assistant Superintendent of their assigned department. They are not eligible for early retirement benefits.

They are bound by their specific special project funds for employee compensation. Employee compensation will not exceed that of other Butte County Office of Education employees with like duties and responsibilities.

Professional experts will be placed on Schedule 7 for salary compensation at the discretion of the County Superintendent.

Legal Reference:

#### **Education Code**

45103

Classified Employees Employment

Approved: July 2004

Reviewed: October 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4121**

#### **TEMPORARY/SUBSTITUTE PERSONNEL**

Butte County Office of Education (BCOE) recognizes that substitute and temporary certificated personnel perform an essential role in promoting student achievement and desires to employ highly qualified holders of credentials or permits issued by the Commission on Teacher Credentialing authorizing service appropriate to the substitute or temporary position being filled.

#### **Hiring and Qualifications**

The County Superintendent may employ substitute and temporary certificated personnel to fill positions of regularly employed persons absent from service and shall ensure that all personnel assigned to such positions are assigned in accordance with law and the authorizations specified in their credential.

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

In addition, after September 1 of any school year, the County Superintendent may employ substitute personnel for the remainder of the school year, in substitute status any otherwise qualified person who consents to be employed in a position for positions for which no regular employee is available, including persons retired for service under the State Teachers' Retirement System. The inability to acquire the services of a qualified regular employee shall be demonstrated to the satisfaction of the Commission on Teacher Credentialing.

BCOE shall not hire certificated persons on a substitute or temporary basis in a capacity designated in their credential or permit unless they have demonstrated basic skills proficiency in reading, writing, and mathematics through the passage of CBEST pursuant to Education Code 44252.5 or by meeting any one of the alternative options pursuant to Education Code 44252(b), unless otherwise exempted.

BCOE may employ individuals who qualify for certain specified permits issued by the Commission on Teacher Credentialing, as necessary, to fill positions of regularly employed persons absent from service. Such permits include GELAP, SELAP, PIP, STSP, and TPSL, as well as others, as defined in AR 4112.2.

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment.

#### **Qualifications for Special Education**

A non-credentialed person shall not substitute for any special education certificated position.

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

In the event that an individual does not meet the priority placements listed above, a person holding a valid document issued by the Commission on Teacher Credentialing which authorizes substitute teaching may serve as a substitute teacher for no more than 20 cumulative days for any one special education teacher during the school year.

The County Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. BCOE shall contact institutions of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Classification

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

The County Superintendent may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service.

To address the need for additional certificated employees when regular certificated employees are absent due to leaves or long-term illness, the County Superintendent may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. Persons whose service begins in the second semester and before March 15 may be classified as temporary employees even if employed for less than a semester. The County Superintendent shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness.

The County Superintendent also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time or perform any other duties which do not last longer than the first three months of any school term.
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term.  
For classifications under subsection 1 or 2 above, if the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. For these purposes, the school year shall not be divided into more than two school terms.
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed by BCOE.
4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of BCOE business during an actual emergency when persons are not immediately available for probationary classification. The person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.
5. The County Superintendent may employ substitute or temporary employees in a position requiring certification requirements to serve for periods of less than one year to provide instructional and related educational services in county community schools and juvenile court schools if a temporary increase in enrollment exists. If a substitute or temporary employee serves more than 60 school days, the employee is deemed to have been hired as a substitute or temporary employee for the duration of the semester in which the employee renders the substitute or temporary service.

At the time an individual is hired, a written statement clearly indicating the employment status and the length of time for which the individual is being employed shall be provided to the employee.

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. They may be classified as temporary employees if the period of employment will end at the expiration of that program or project.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Salary and Benefits**

The County Superintendent shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute and temporary employees. Employees so classified shall not participate in the health and welfare plans or other fringe benefits of the organization.

### **Paid Sick Leave**

BCOE shall provide sick days for eligible employees as required by law.

### **Release from Employment/Dismissal**

The County Superintendent may dismiss substitute employees at any time at their discretion.

The County Superintendent may release temporary employees at their discretion if such employees have served less than 75 percent of the number of days the regular schools of BCOE are maintained during one school year. Temporary employees who have served 75 percent or more of the school year may be released as long as such employees are notified before the last day of June of BCOE's decision not to reelect them for the following school year.

Temporary employees employed for more than 75 percent of the school year must be re-employed to fill any vacant position unless notified in writing that they will be released at the end of the school year. If an employee was released pursuant to Education Code section 44954 and has nevertheless been retained as a temporary or substitute employee for two consecutive years and that employee has served for at least 75 percent of the number of days in each school year and has performed the duties normally required of a certificated employee, that employee shall receive first priority if BCOE fills a vacant position, at the grade level at which the employee served during either of the two years, for the subsequent school year. In the case of a departmentalized program, the employee shall have taught in the subject matter in which the vacant position occurs.

### **Reemployment as a Probationary Employee**

Unless released from employment pursuant to Education Code 44954, any temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the school year shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee in a vacant position for the following school year.

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave.

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment.

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant position for which they are certified. Preference for available positions shall be determined as prescribed by Education Codes 44845 and 44846.

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position for BCOE for at least 75 percent of each of two consecutive school years shall receive first priority if a vacant position is filled for the subsequent school year at the grade level at which the employee served during either year, provided that the temporary or substitute employee holds a valid credential or permit authorizing the subject, setting, and grade level appropriate for the position.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs.

Legal Reference:

### **EDUCATION CODE**

1293 Staff

1294.1 Staff: county community schools/juvenile court schools

44300 Emergency Permits

44830 Employment

44845-44846 Employment

44914 Employment

44916-44921 Employment

44953 Resignations, dismissals and leaves of absence

44954 Resignations, dismissals and leaves of absence

44956 Resignations, dismissals and leaves of absence

44957 Resignations, dismissals and leaves of absence

44977 Resignations, dismissals and leaves of absence

45030 Salaries

56060-56063 Substitute Teachers

### **Code of Regulations, Title V**

5502, 5503

Approved: July 2004

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 4121

#### REGULATIONS REGARDING TEMPORARY/SUBSTITUTE PERSONNEL

##### Notifications

At the time of initial employment during each school year, each new substitute and temporary employee shall receive a written statement indicating their employment. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed.

Time of initial employment means before the employee starts work.

The County Superintendent or designee shall notify all substitute and temporary employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether they elect or decline membership. Election of membership shall be irrevocable for all future employment to perform creditable service.

##### Assignments

Educators who hold a valid document issued based on completion of a bachelor's degree and have met the Basic Skills Requirement are authorized to serve as day-to-day substitutes. Educators who hold valid credentials that were issued prior to February 1, 1983, and required the holder to complete a bachelor's degree and professional preparation program are also authorized to serve as day-to-day substitutes, even though the holder may not have met the Basic Skills Requirement. Holders of the Emergency 30-Day Substitute Teaching Permit issued under the provisions of SB 1397 may also serve as day-to-day substitutes, even though the holder is not required to meet the Basic Skills Requirement. \*

*\*Passage of SB 1397 waived the Basic Skills Requirement for first-time applicants for the Emergency 30-Day Substitute Teaching Permit from 1/1/2023 to 7/1/2024. This permit, issued under the provisions of SB 1397, may be renewed indefinitely by the holder, without ever having to meet the Basic Skills Requirement.*

Educators on Emergency Substitute Teaching Permits (day-to-day) have limitations regarding how long they are able to serve in a substitute capacity in a school year for any one teacher of record:\*\*\*

- No more than 30 cumulative days in any one general education classroom; and
- No more than 20 cumulative days in any one special education classroom.
- If the substitute teacher is the holder of the Emergency Career Substitute Permit, they may serve as a substitute for no more than 60 cumulative days for any one teacher during the school year, except in a special education classroom where the limitation is still 20 cumulative days.

This rule includes fully credentialed teachers serving as substitutes *unless* that teacher is serving as a substitute in the subject or disability area(s) authorized by their credential. Such fully credentialed teachers can serve as substitutes in classes that match their area of certification indefinitely.

\*\*\*Note: These time limitations may, from time to time, be extended by legislative action in which case those timeframes will be followed.

##### Salary Substitute Employees (Day-to-Day)

Persons employed as substitutes on a day-to-day basis for various teachers or in teaching assignments for the same teacher and not exceeding the service limitations pertaining to the particular permit held as stated below are paid at the substitute rate established by the Butte County Superintendent of Schools as reflected on Salary Schedule 03 – Substitute Teachers and Temporary Certificated Employees.

1. Persons employed under an Emergency 30-Day Substitute Teaching Permit shall not serve as a substitute teacher in a general education setting for more than 30 days for any one teacher during the school year. They

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year.

2. Persons employed under an Emergency Career Substitute Teaching Permit shall not serve as a substitute teacher in a general education setting for more than 60 days for any one teacher during the school year. They shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year.
3. Persons employed under an Emergency Substitute Teaching Permit for Prospective Teachers shall not serve as a substitute teacher in a general education setting for more than 30 days for any one teacher during the school year. They shall not serve as a substitute teacher in a special education setting for more than 20 days for any one teacher during the school year. Additionally, the holder may not serve as a substitute teacher for more than 90 days total during the school year.
4. Persons employed under an Emergency Designated Subjects Career Technical Education 30-Day Substitute Permit shall substitute teach only in a program of technical, trade, or vocational education and shall not serve as a substitute teacher for more than 30 days for any one teacher during the school year.

### **Salary Temporary Employees**

Persons employed and classified as temporary employees shall be paid according to their placement on Salary Schedule 03 based on their credential status and/or years of service (maximum 11) and units beyond a BA.

Summer school non-categorical classroom teachers not currently employed by the Butte County Office of Education shall be classified as temporary employees and shall be placed on either Column A or B of Salary Schedule 03.

### **Salary Emergency Permits**

Persons employed and classified on one of the emergency permits shall be paid on the Salary Schedule 03 substitute rate.

Approved: July 2008

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4131**

**SP 4231**

**SP 4331**

### **STAFF DEVELOPMENT**

The County Superintendent recognizes that a competent well-trained staff is essential to carrying out the Butte County Office of Education goals. Besides providing opportunities for professional growth, staff development is viewed as a necessary, continuous and systematic effort to improve the Butte County Office of Education services and educational programs by involving all employees in activities that improve their skills and broaden their perceptions.

The County Superintendent recognizes that he/she shares with its staff the responsibility of upgrading and updating abilities, performance, knowledge and attitudes. In our rapidly changing society, teachers must constantly review curriculum content, teaching methods and materials, and related goals. The County Superintendent encourages the ongoing training of teachers and improvement of instructional methods.

Employees shall be provided opportunities to develop increased competence beyond that which may be attained through the performance of assigned duties. Administrators, teachers, and support staff shall cooperate in planning and implementing such programs.

#### Legal Reference:

##### Education Code

1294 Rights on certificated employees

1296 Classification as permanent employee; application of section; notice; teaching position defined

44032 Travel expenses

44560-44564 Teacher preparation (esp. 44560, inservice preparation in ethnic backgrounds)

44580-44591 Inservice training of educational personnel

52034(g) Staff development activities affecting the improvement of elementary and secondary education act;

52800-52904 School-based program coordination act, especially

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

Approved: July, 2004

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4132**

**SP 4232**

**SP 4332**

### **PUBLICATION OR CREATION OF MATERIALS**

The County Superintendent recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of Butte County Office of Education operations.

The County Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the County Superintendent or designee of their intent to publish or register a work developed in whole or in part within the scope of their employment.

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of their employment shall be the property of the Butte County Office of Education.

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of their employment, the County Superintendent or designee shall negotiate a contract with the employee to protect Butte County Office of Education's rights to the ownership or partial ownership of the copyright.

The County Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying Butte County Office of Education's rights to ownership of the copyright of any work produced by the contractor or consultant for Butte County Office of Education.

The County Superintendent or designee may secure copyrights in the name of Butte County Office of Education for all copyrightable works developed by Butte County Office of Education. All royalties or revenues from these copyrights shall be used for the benefit of Butte County Office of Education.

Legal Reference:

#### **State**

##### **Education Code**

32360 Copyrights; use of funds

32361 Copyrights; use of employee work time

35170 Authority to secure copyrights

35182 Marketing or licensing non-educational mainframe electronic data-processing software

60076 Royalties or other compensation

#### **Labor Code**

2870-2872 Inventions made by an employee

#### **Federal**

##### **United States Code, Title 17**

101-122 Subject matter and scope of copyright

201 Copyright ownership and transfer

Approved: July 2008

Revised: October 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4135**

**SP 4235**

**SP 4335**

### **SOLICITING AND SELLING**

The County Superintendent fully supports school and non-profit organization fundraising activities by employees and students. Group and organization fundraising will be for the benefit of Butte County Office of Education programs and/or scholarships. Such activities are to take place during non-work and non-instructional time. All such activities are to be approved by the appropriate Assistant Superintendent prior to the activity.

Employees may bring school and non-profit organization fundraiser products to the Butte County Office of Education as long as all food items are commercially prepared and packaged.

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

Staff participation in "flower funds," "sickness and bereavement funds," "anniversary funds" and the like shall be a matter of individual discretion.

Legal Reference:

#### **Education Code**

51520 Prohibited solicitations on school premises

Approved: July 2004

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4136**

**SP 4236**

**SP 4336**

### **NON-SCHOOL EMPLOYMENT**

In order to help maintain public trust in the integrity of Butte County Office of Education operations, the County Superintendent expects all employees to give the responsibility of their positions precedence over any other outside employment. An employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her duties.

An outside activity shall be considered in conflict to an employee's employment when such activity:

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using Butte County Office of Education's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another employee or the County Superintendent

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The employee's Assistant Superintendent or designee shall evaluate each request based on the employee's specific duties within Butte County Office of Education and determine whether to grant authorization for such employment.

The Assistant Superintendent or designee shall inform the employee whether the outside employment is prohibited. The employee may appeal an Assistant Superintendent or designee's denial of authorization to the County Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

### **Tutoring**

The County Superintendent expects teachers and other members of the instructional staff to make every effort to resolve student learning problems and to provide necessary services at school before recommending that parents/guardians engage a tutor or other professional help. By maintaining a competent, dedicated staff and adequate instructional resources, the County Superintendent seeks to minimize the need for individual tutoring.

To preclude conflict of interest, teachers shall not accept any kind of remuneration for tutoring a student enrolled in any of their classes. Teachers who tutor other students shall perform this service outside of school facilities and make their own arrangements with parent/guardians for the fees to be charged. The County Superintendent encourages teachers to tutor only in subjects or grade levels for which they are certificated.

Legal Reference:

Education Code

35160 Authority of governing boards

35160.1 Broad authority of school districts

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

51520 Prohibited solicitation on school premises

Government Code

1126 Incompatible activities of employees

1127 Incompatible activities; off duty work

1128 Incompatible activities, attorney

Code Of Regulations, Title 5

80334 Unauthorized private gain or advantage

Approved: July, 2008

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4141**

**SP 4241**

**COLLECTIVE BARGAINING**

The County Superintendent recognizes that Collective Bargaining Agreements (CBAs) are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The County Superintendent is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following the adoption of the CBA, the County Superintendent or designee shall review the related Butte County Office of Education Superintendent’s Policy and recommend any action needed to maintain consistency with the agreement. Whenever a Butte County Office of Education Superintendent’s Policy conflicts with a provision in the CBA, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the CBA, the law will prevail as to those employees to whom the law applies.

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

Legal Reference:

**Education Code**

35035	Additional powers and duties of superintendent, transfer authority
35036	Voluntary transfers
35160	Authority of governing boards
35160.1	Broad authority of school districts
45220-45320	Merit system, classified employees

**Government Code**

3540-3549.3	Educational Employment Relations Act
-------------	--------------------------------------

**California Code of Regulations, Title 8**

31001-32997	Regulations of employee relations boards
-------------	--

Approved: March 2007

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4143

### SP 4243

#### NEGOTIATIONS/CONSULTATION

The County Superintendent recognizes their responsibility to represent the public's interests in the collective bargaining process. In negotiating agreements on employee contracts, the County Superintendent shall balance the needs of staff and the priorities of Butte County Office of Education (BCOE) in order to provide students with a high-quality instructional program based on a sound, realistic budget.

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

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

The County Superintendent shall provide their negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of BCOE goals and priorities.

The County Superintendent with the bargaining team shall establish standards of conduct pertaining to the negotiation process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence.

The County Superintendent and negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of BCOE.

When the County Superintendent intends to make any change to matters within the scope of representation, reasonable written notice of the intent shall be given to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate regarding the proposed changes.

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

The County Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect BCOE goals.

Any agreement adopted by the County Superintendent may be for a term not to exceed three years.

In the event of an impasse in negotiations, the County Superintendent shall participate in good faith in state mediation and fact-finding procedures.

Following the adoption of the Collective Bargaining Agreement, any subsequent amendments shall be executed in writing by the County Superintendent and the employees' exclusive representative.

#### Consultation

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

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

**Education Code**

44987	Service as officer of employee organization; certificated
45210	Service as officer of employee organization; classified

**Government Code**

3540-3549.3	Educational Employment Relations Act
-------------	--------------------------------------

Approved: March 2007

Revised: October 2024

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

#### **SP 4143.1**

#### **SP 4243.1**

#### **PUBLIC NOTICE – PERSONNEL NEGOTIATIONS**

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

#### **Public Notice/Sunshining of Initial Proposals**

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

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

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

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

#### **Public Disclosure of Proposed Agreement**

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

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

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

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

Legal Reference:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Education Code

42130-42134 Financial reports and certifications

Government Code

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representative

Approved: March, 2007

Revised:



Butte County Office of Education  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

SP 4144  
SP 4244  
SP 4344

COMPLAINT PROCEDURE

The County Superintendent recognizes the need for providing employees and job applicants the ability to have their concerns heard in an expeditious and unbiased manner. The County Superintendent expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

A "complaint" shall be defined as an alleged misapplication of the Butte County Office of Education’s policies, regulations, rules, or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the County Superintendent, if necessary.

If the complaint is related to discrimination or sexual harassment, the procedure for complaints concerning discrimination and sexual harassment should be used. If the complaint involves subjects covered by a collective bargaining agreement, the appropriate grievance procedure should be used.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file. The Superintendent prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

Legal Reference:	
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 35186	Complaints regarding teacher vacancy or misassignment
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Gov. Code 3543	Public school employees' rights
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 53296-53299	Disclosure of confidential information; whistleblower
Gov. Code 54957	Complaints against employees; right to open session
Lab. Code 1102.5-1106	Whistleblower protections

Approved: July 2004  
Revised: February 2023  
Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4144**

**AR 4244**

**AR 4344**

### **REGULATIONS REGARDING COMPLAINT PROCEDURES**

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of Butte County Office of Education (BCOE) policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper BCOE activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger.

#### **Informal Complaints**

Employees are encouraged to resolve complaints informally by first discussing the issue with their supervisor where the alleged act took place. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

#### **Formal Complaint Procedure - Step 1**

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event, which is the subject of the complaint.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within five working days of receiving the complaint, the immediate supervisor shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

#### **Formal Complaint Procedure - Step 2**

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the department Cabinet Member within ten working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint.

Within ten working days of receiving the complaint, the department Cabinet Member shall conduct any necessary investigation, including reviewing the investigation and written response completed in Step 1, and meet with the complainant in an effort to resolve the complaint.

The department Cabinet Member shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

#### **Formal Complaint Procedure - Step 3**

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the County Superintendent within ten working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal.

The Superintendent may uphold the findings from the previous steps without hearing the complaint or may hear the complaint.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The County Superintendent shall present a written answer to the appeal within ten working days of receipt of the complaint. The County Superintendent's decision is final.

### **Alternate Procedures**

Complaints alleging unlawful discrimination shall be resolved in accordance with SP/AR 4030 – Nondiscrimination in Employment.

Complaints regarding sexual harassment shall be resolved in accordance with SP/AR 4119.11 - Sexual Harassment, and AR 4119.12 – Title IX Sexual Harassment Complaint Procedure.

Complaints regarding unlawful discrimination in BCOE programs or BCOE's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with SP/AR 1312.3 – Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 – Williams Uniform Complaint Procedures.

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Approved: July 2004

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4151**

**SP 4251**

**SP 4351**

### **EMPLOYEE COMPENSATION**

The County Superintendent recognizes the importance of a fair salary schedule and salary policies in securing and retaining competent staff.

The County Superintendent assigns the responsibility for maintaining salary schedules to the Human Resources Division. With the exception of Schedule 7, the schedules shall contain a class or position title and a number of steps which provide salary increments for service and professional growth within each class.

All employees entering the Butte County Office of Education service are placed on a salary schedule based upon the position, training and experience.

Additional salary information is covered by the appropriate collective bargaining agreement.

Legal Reference:

Education Code

44977 Resignations, dismissals and leaves of absence

45022-45061 Salaries

Government Code

3543.2 Rights, Obligations, Prohibitions, and Unfair Practices

3543.7 Rights, Obligations, Prohibitions, and Unfair Practices

Approved: July, 2008

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4151**

**AR 4251**

**AR 4351**

### **REGULATIONS REGARDING EMPLOYEE COMPENSATION**

In order to recruit and retain employees committed to the county's goals for student learning, the Superintendent recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

#### **Classification**

Certificated personnel shall be assigned to a class in accordance with training and experience. Step placement shall be based on in-county service rendered and credit for out-of-county experience granted at the time of initial employment. In each salary class B-E a valid preliminary or greater California credential is required.

#### **Experience Credit-Initial Placement**

1. Any newly hired personnel will be credited on a year-for year basis with a maximum of eleven (11) years verified certificated experience for previous public or private service if such service has been rendered under contract in an accredited system. For experience exceeding eleven (11) years and up to nineteen (19) years, personnel will be credited with one (1) year additional step placement for every two (2) years of experience not to exceed sixteen (16) steps at initial placement.
2. Any newly hired personnel hired to serve in areas identified as "hard-to-recruit" geographical areas, (defined as office locations in Alameda, Los Angeles, Marin, Monterey, Napa, Santa Clara, San Diego, and Sonoma counties) with more than five (5) years of verified certificated experience will be placed in the appropriate column at the salary step closest to the salary from their last school district, but not less, unless there is no equivalent salary step on the schedule. This provision will apply only to new hires, or rehires with more than one-year break in service.
3. Personnel must have taught on a full-time basis for seventy-five percent (75%) or more of the number of days in a given school year for a year of experience to be credited. Service for less than seventy-five percent (75%) or more of the number of days in a school year precludes step advancement for the ensuing school year.
4. Classifications of Clinician I, Occupational Therapist, School Nurse, and Child Development positions, will be placed on their respective schedules based on verified years of experience of like licensed or permitted employment.
5. School Nurse positions will be initially placed according to verified years of experience of like licensed employment following 2.a. of this Article: For experience exceeding eleven (11) years and up to nineteen (19) years, personnel will be credited with one (1) year additional step placement for every two years of experience not to exceed sixteen (16) steps at initial placement.
6. Child Development positions will be initially placed according to verified years of experience of like licensed or permitted employment as defined below.
  - a. 0 – 5 years, Step A
  - b. 6 – 10 years, Step B
  - c. 11 years or more, Step C

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Unit Verification - Initial Employment

1. Newly employed personnel shall present student copies of transcripts with the registrar's signature or copies of official transcripts with the registrar's signature or grade reports/credit certificates with an official seal and registrar's signature to verify initial placement on the salary schedule.
2. Newly employed personnel shall be responsible for securing and presenting to the Human Resources Department all documentation required for unit verification and previous experience in support of salary schedule placement. Employee's placement will be based upon Human Resources receipt of official verifications.

### Step Advancement

1. Personnel will be entitled to advance one vertical step on the appropriate salary schedule for each year of service, except those whose placement is at the maximum step.
2. Personnel must have rendered paid service for 75 percent or more of the number of days in the regular school year, counting days of used sick leave, to advance one vertical step on the schedule.

### Class Advancement

Applications for horizontal movement for the ensuing year shall be in writing on a form provided by the Human Resources Department and submitted by May 1st of the current year. Employees shall, by October 1st, furnish the Human Resources Department with transcript or grade slip proof that course work justifying movement and interim placement was successfully completed. Evidence of course completion submitted after October 1st will not result in movement until the following year.

### Definition of Credit

1. Units of Credit - Units of credit for the purpose of assigning personnel to a salary classification or advancement from one classification to another shall be on the basis of semester hours of college/ university credit from an accredited institution, or equivalent.

Formula to convert quarter units to semester units:

$$\frac{2 \times \text{Quarter Units}}{3} = \text{Semester Units}$$

Formula to convert internship hours to semester units:

$$\frac{\text{Total approved internship hours}}{80 \text{ hours}} = \text{Semester Units}$$

Formula to convert continuing education units to semester units:

$$\text{Fifteen approved CEU's} = 1 \text{ Semester Unit}$$

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Units of Credit Acceptable for the Purpose of Salary Assignment or Advancement**

1. Defined as upper division and/or graduate work earned from an institution which is accredited by the American Association of Colleges and Universities or by the University of California after receipt of the Bachelor's Degree, or approved credits for the occupational internship, or for approved continuing education units for professional licensure related to subject area, or approved units taken by the holder of the Designated Subject Credential toward the Bachelor's Degree.
2. The following units are not applicable towards advancement on the salary schedule.
  - a. Units received for in-service programs, workshops or extension classes established in and by the Butte County Office of Education;
  - b. Attendance at an educational conference on a regular teaching day at Butte County Office of Education expense.

### **Units of Credit Requiring Prior Approval for the Purpose of Salary Assignment or Advancement**

1. The following must be presented to the department Associate Superintendent for prior approval. A Request for Prior Approval form should be prepared in duplicate and submitted to the Human Resources Department at least fourteen (14) days prior to date of registration for the course.
  - a. Correspondence courses
  - b. Occupational Internships
  - c. Continuing education units

### **Professional Standards Committee**

1. Purposes of the Committee: A Professional Standards Committee shall serve as decision body to decide appeals regarding denials of coursework by the department Associate Superintendent.
2. The Committee: The County Superintendent shall appoint two (2) management employees to the committee; the BCTA shall appoint two (2) unit members to the committee. The department Associate Superintendent shall serve as Chairperson. The Chairperson shall only vote in case of a tie vote of other members of the Committee.
3. Responsibilities
  - a. When considering appeals, the Committee should keep in mind that the credits presented for salary class assignments/advancement are meaningful, significant and related to current assignment or represent a reasonable objective for future employment.
  - b. In reviewing the appeal, the Committee shall generally be concerned with matters relating to the maintaining and raising of standards in regard to the value, level, nature, and academic rigorousness of all professional training submitted for salary class assignment/advancement.
  - c. The Committee shall serve as a decision-making body regarding any questions that may arise as to the acceptability or allowance of units of credit.

Approved: February 2013

Revised: December 2022

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4154**

**SP 4254**

**SP 4354**

### **HEALTH AND WELFARE BENEFITS**

The County Superintendent shall provide health and welfare benefits to employees in accordance with state and federal laws and as negotiated with recognized bargaining units. Management employees shall be entitled to similar provisions as detailed in their Memorandum of Management.

The Butte County Office of Education (BCOE) shall offer employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

For purposes of granting benefits, a registered domestic partner and their child shall have the same rights, protections, and benefits as a spouse and spouse's child.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, BCOE shall not discriminate in favor of employees who are among the highest paid 25 percent of all BCOE employees.

Eligibility begins on the first day of the month succeeding date of hire.

Coverage will be terminated effective the end of the month employment ceases except: Certificated teaching staff terminated due to layoff or resignation at the end of the school year will continue coverage through the summer recess.

#### **Continuation of Health and Welfare Benefits (COBRA)**

Qualified employees and other qualified beneficiaries may continue to participate in the Butte County Office of Education group health and welfare benefit plans in accordance with state and federal law. Human Resources shall advise all employees of their rights and responsibilities related to continuing their health insurance benefits when their eligibility changes.

Qualified employees and qualified beneficiaries shall be offered the opportunity to continue health insurance coverage when they otherwise would lose coverage due to one of the following qualifying events:

1. The death of a covered employee;
2. The termination other than by reason of the employee's gross misconduct or reduction in hours of the covered employees employment;
3. The divorce or legal separation of a covered employee;
4. Covered employee's becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of a covered employee

The County Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 5 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 4 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later.

Unless otherwise provided for in an applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums and administrative fee in accordance with



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

federal and state law including any increases in premiums. Continuation coverage shall be terminated in accordance with the BCOE insurance plan and federal and state law.

### Retiree Health and Welfare Benefits

Any BCOE employee officially retiring under either PERS or STRS will be allowed to continue medical, dental and/or vision benefit coverage under the existing approved plan by paying the appropriate premium.

Any retiree no longer eligible under negotiated early retiree benefit provisions may continue medical coverage past age 65 by paying the appropriate premium. Notification will be given by BCOE sixty (60) days in advance of a retiree reaching age 65 asking for written confirmation of coverage continuation.

The retired employee must pay by the 20th of each month starting with the month before the first month of eligibility as a retiree.

### Disability Insurance

Classified employees represented by California School Employees Association Chapters #436 or 736 shall be given notice of their respective disability insurance rights and benefits at time of hire and when each employee leaves work due to pregnancy, non-occupational illness or injury, or the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption.

BCOE will coordinate disability insurance benefits with other paid leave benefits that the employee is entitled to so that the employee receives their regular wage/salary. Employees are required to endorse their disability check over to BCOE or remit an amount equal to the disability check. At the time an employee exhausts their paid leave benefits, the employee will retain any continuing disability insurance benefits.

When disabled by an injury resulting from a violent act sustained while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the BCOE health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs.

### Confidentiality

The County Superintendent or designee shall not use or disclose any employee's medical information BCOE possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

### Legal Reference:

#### State

##### CIVIL CODE

56.10-56.16

Disclosure of information by medical providers

56.20-56.245

Use and disclosure of medical information by employers

##### EDUCATION CODE

7000-7008

Health and welfare benefits; retired certificated employees

44041-44042

Payroll deductions for collection of premiums

44986

Leave of absence; state disability benefits

45136

Benefits for classified employees

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### FAMILY CODE

297-297.5

Rights, protections, benefits under the law; registered domestic partners

300

Definition of marriage

### GOVERNMENT CODE

12940

Unlawful discriminatory employment practices



22750-22948

Public Employees' Medical and Hospital Care Act 53200-53210 Group Insurance

### HEALTH AND SAFETY CODE

1366.20-1366.29

California COBRA Program; health insurance

1367.08

Disclosure of fees and commissions paid related to health care service plan

1373

Health services plan; coverage for dependent children

1373.621

Continuation coverage; age 60 or older after five years with district

1374.58

Coverage for registered domestic partners; health service plans and health insurers

### INSURANCE CODE

10116.5

Continuation coverage; age 60 or older after five years with district; disability insurance

10128.50-10128.58

California COBRA Program; disability insurance

10277-10278

Group and individual health insurance; coverage for dependent children

10604.5

Annual disclosure of fees and commissions paid

12670-12692.5

Conversion coverage

### LABOR CODE

2800.2

Notification of availability of continuation health coverage

### UNEMPLOYMENT INSURANCE CODE

2613

Disability insurance; notice of rights and benefits

### Federal

UNITED STATES CODE, Title 1

7

Definition of marriage and spouse

UNITED STATES CODE, TITLE 26

4980B

COBRA continuation coverage

4980H

Penalty for noncompliance with employer-provided health care requirements

5000A

Minimum essential coverage

6056

Report of health coverage provided to employees

UNITED STATES CODE, TITLE 29

1161-1168

COBRA continuation coverage

UNITED STATES CODE, TITLE 42

1395-1395g

Medicare benefits

300gg-16

Group health plan; nondiscrimination in favor of highly compensated individuals

300gg-300gg95

Patient Protection and Affordable Care Act

UNITED STATES CODE, TITLE 45

164.500-164.534

Privacy of individually identifiable health information

Approved: March, 2010

Revised: March, 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4156.2**

**SP 4256.2**

**SP 4356.2**

### **AWARDS AND RECOGNITION**

The County Superintendent believes Butte County Office of Education's (BCOE) employees are its most valuable resource and encourages recognition of the services they provide. The County Superintendent or designee may issue service pins, certificates, plaques, or other mementos in accordance with policy and administrative regulations.

The County Superintendent authorizes awards to employees who:

1. Propose ideas or procedures, which eliminate or reduce BCOE expenditures or improve BCOE operations.
2. Perform special acts or services in the public interest.
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in BCOE operations.

The County Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

Legal Reference:

#### **Education Code**

44015 Employees General Provisions

Approved: July 2004

Revised: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4156.3**

**SP 4256.3**

**SP 4356.3**

### **REIMBURSEMENT, LOSS OF PERSONAL PROPERTY**

Employees are not encouraged to bring personal property or materials to the classrooms or other workstations. Responsibility for the loss or destruction of such property is not assumed by the Butte County Office of Education.

Legal Reference:

#### **Education Code**

35213                      Reimbursement for loss, destruction or damage of personal property

Approved: July 2004

Revised: November 2022

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4157**

**SP 4257**

**SP 4357**

### **EMPLOYEE SAFETY**

The County Superintendent is committed to maximizing employee safety and believes that workplace safety is every employee's responsibility. Working conditions and equipment shall comply with standards prescribed by federal, state, and local laws and regulations.

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

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

The County Superintendent or designee shall promote safety and correct any unsafe work practices through education and enforcement.

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

The County Superintendent or designee shall ensure the ready availability of first aid materials at all workplace sites and shall make effective provisions, in advance, for prompt medical treatment in the event of an employee's serious injury or illness.

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

Legal Reference;

Education Code

32030-32034 Eye Safety

32225-32226 Communications devices in classrooms

32280 -32289 School safety plans

44984 Required rules for industrial accident and illness leave of absence

Government Code

3543.2 Scope of bargaining

Labor Code

3300 Definitions

6305 Occupational safety and health standards; special order

6310 Retaliation for filing complaint prohibited

6400-6413.5 Responsibilities and duties of employers and employees, especially

6401.7 Injury and illness prevention program

Code of Regulations, Title 8

3203 Injury and illness prevention program

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

3400 Medical services and first aid

5095-5100 Control of noise exposure

Code of Federal Regulations, Title 29

1910.95 Noise standards

Approved: July, 2004

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4157**

**AR 4257**

**AR 4357**

### **REGULATIONS REGARDING EMPLOYEE SAFETY**

The County Superintendent or designee shall provide and implement safety devices, safeguards, methods, and processes that are reasonably adequate to render the employment and place of employment safe and healthful.

#### **Injury and Illness Prevention Program**

Butte County Office of Education's Injury and Illness Prevention Program shall cover all employees and all other workers whom Butte County Office of Education controls or directs and directly supervises on the job to the extent that the workers are exposed to hazards specific to their worksite and job assignment. The obligation of contractors or other employers who control or direct and supervise their own employees on the job shall not be affected by the Butte County Office of Education's Injury and Illness Prevention Program.

The Injury and Illness Prevention Program shall include:

1. The name/position of the person(s) with authority and responsibility for implementing the program
2. A system for ensuring that employees comply with safe and healthful work practices, which may include, but not be limited to:
  - a. Recognition of employees who follow safe and healthful work practices
  - b. Training and retraining programs
  - c. Disciplinary actions
3. A system for communicating with employees, in a form readily understandable by all employees, on matters related to occupational health and safety, including provisions designed to encourage employees to report hazards at the worksite without fear of reprisal. The communications system may include, but not be limited to:
  - a. Meetings
  - b. Training programs
  - c. Posting
  - d. Written communications
  - e. A system of anonymous notification by employees about hazards
  - f. A labor/management safety and health committee
4. Procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Such inspections shall be made:
  - a. Whenever new substances, processes, procedures, or equipment that represents a new occupational safety or health hazard is introduced into the workplace
  - b. Whenever the Maintenance, Operations and Facilities Manager is made aware of a new or previously unrecognized hazard
5. A procedure for investigating occupational injury or illness.
6. Methods and/or procedures for correcting unsafe or unhealthful conditions, work practices, and work procedures in a timely manner, based on the severity of the hazard, when the hazard is observed or discovered.

When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, these procedures shall call for the removal of all exposed staff from the area except

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

those necessary to correct the hazardous condition. Employees needed to correct the condition shall be provided necessary safeguards.

7. Provision of training and instruction as follows:
  - a. To all new employees
  - b. To all employees given new job assignments for which training has not previously been received
  - c. Whenever new substances, processes, procedures, or equipment is introduced into the workplace and represents a new hazard
  - d. Whenever the district is made aware of a new or previously unrecognized hazard
  - e. To supervisors, to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed

#### **Labor/Management Safety and Health Committee**

The Butte County Office of Education's labor/management safety and health committee shall:

1. Meet regularly, but not less than quarterly.
2. Prepare and make available to affected employees written records of the safety and health issues discussed at committee meetings and maintained for review by the California Department of Industrial Relations' Division of Occupational Safety and Health (Cal/OSHA) upon request. These records shall be maintained for at least one year.
3. Review results of the periodic, scheduled worksite inspections.
4. Review investigations of occupational accidents and causes of incidents resulting in occupational injury or illness or exposure to hazardous substances. As appropriate, the committee may submit suggestions to the County Superintendent or designee regarding the prevention of future incidents.
5. Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, it may conduct its own inspection and investigation to assist in remedial solutions.
6. Submit recommendations to assist in the evaluation of employee safety suggestions.
7. Upon request of Cal/OSHA, verify abatement action taken to abate citations issued by Cal/OSHA.

#### **Hearing Protection**

Whenever employee noise exposure equals or exceeds the standards specified in law, the County Superintendent or designee shall implement a hearing conservation program in accordance with state and federal regulations, including, when required, monitoring of sound levels, audiometric testing of affected employees, the provision of hearing protectors, and employee training.

#### **Eye Safety Devices**

Eye safety devices shall be worn by employees whenever they are engaged in or observing an activity involving hazards or hazardous substances likely to cause injury to the eyes.

#### **First Aid and Medical Services**

To avoid unnecessary delay in medical treatment in the event of an employee's serious injury or illness, the Superintendent or designee shall use one or more of the following:

1. A communication system for contacting a physician or emergency medical service, such as access to 911 or equivalent telephone system. The communication system or the employees using the system shall have the ability to direct emergency services to the location of the injured or ill employee.



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

2. Readily accessible and available on-site treatment facilities suitable for treatment of reasonably anticipated injury and illness.
3. Proper equipment for prompt medical transport when transportation of injured or ill employees is necessary and appropriate.

Approved: March, 2010

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4157.1**

### **AR 4257.1**

### **AR 4357.1**

#### **REGULATION REGARDING WORK-RELATED INJURIES**

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, Butte County Office of Education (BCOE) shall provide all employees with insurance and workers' compensation benefits in accordance with law. The County Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The County Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work.

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday.

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the County Superintendent or designee as soon as practicable. The employee and appropriate BCOE staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the County Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by mail.

The County Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The County Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by mail within one working day of the crime, or when BCOE reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime.

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the County Superintendent or designee shall report the incident to BCOE's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death.

In addition, in every case involving death or serious injury or illness, the County Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA.

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement.

### Legal References:

#### EDUCATION CODE

44984	Required rules for industrial accident and illness leave
45192	Industrial accident and illness leave for classified employees

#### LABOR CODE

3200-4856	Workers’ compensation
3600-3605	Notifications regarding workers’ compensation benefits
3760	Report of injury to insurer
4600	Provision of medical and hospital treatment by employee
4906	Disclosures and statements
5400-5413	Notice of injury or death
6302	Definition of serious injury or illness
6409.1	Reports
CALIFORNIA CODE OF REGULATIONS, TITLE 8	
15596	Notice of employee rights to workers’ compensation benefits

Approved:        October 2025

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4161.1**

### **AR 4361.1**

#### **REGULATIONS REGARDING PERSONAL ILLNESS/INJURY LEAVE**

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five school days per week shall be granted comparable sick leave in proportion to the time they work.

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued.

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination of service.

Unused days of sick leave shall be accumulated from year to year without limitation.

Any certificated employee who leaves Butte County Office of Education after at least one school year of employment and accepts a certificated position in a district, county office of education, or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. Butte County Office of Education shall not require new employees to waive leave accumulated in a previous district.

Sick leave may be used by a certificated employee for absences due to:

1. Temporary inability to perform his/her duties because of illness, accident, or quarantine, whether or not the cause of the absence arises out of and in the course of employment
2. Pregnancy, miscarriage, childbirth, and recovery
3. Personal necessity
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted
6. Illness of the employee's child, parent, spouse, registered domestic partner, or domestic partner's child in an amount not less than the sick leave that would be accrued by the employee during six months at his/her then current rate of entitlement

An employee shall notify Butte County Office of Education of his/her need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify Butte County Office of Education. If the duration of absence becomes shorter than estimated, the employee shall notify Butte County Office of Education not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify Butte County Office of Education results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

#### **Continued Absence After Available Sick Leave Is Exhausted**

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or injury, continues to be absent from his/her duties for an additional period up to five school months, the employee shall receive his/her regular salary minus the actual cost of a substitute to fill the position. If Butte County Office of Education has made every reasonable effort to secure

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary.

An employee shall not be provided more than one five-month period per illness or injury. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year.

If a certificated employee is not medically able to resume his/her duties after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a re-employment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified.

#### **Verification Requirements**

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed absence form to his/her immediate supervisor.

The County Superintendent or designee may, at any time, require additional written verification by the employee's physician or other authorized health care provider. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The County Superintendent or designee may require an employee to visit a physician selected by Butte County Office of Education, at Butte County Office of Education expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the County Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to duty and stipulating any necessary restrictions or limitations.

#### Legal Reference:

##### Education Code

44964 Power to grant leave of absence in case of illness, accident, or quarantine

44965 Granting of leaves of absence for pregnancy and childbirth

44976 Transfer of leave rights when school is transferred to another district

44977 Salary deduction during absence from duties up to five months after sick leave is exhausted

44978 Provisions for sick leave of certificated employees

44978.1 Inability to return to duty; placement in another position or on reemployment list

44979 Transfer of accumulated sick leave to another district

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

44980 Transfer of accumulated sick leave to a county office of education

44981 Leave of absence for personal necessity

44983 Exception to sick leave when district adopts specific rule

44984 Industrial accident or illness

44986 Leave of absence for disability allowance applicant

Labor Code

220 Sections inapplicable to public employees

233 Illness of child, parent, spouse or domestic partner

234 Absence control policy

Code of Regulations, Title 5

5601 Transfer of accumulated sick leave

United States Code, Title 42

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

Approved: July, 2010

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4161.2**

### **AR 4261.2**

### **AR 4361.2**

#### **REGULATIONS REGARDING PERSONAL LEAVES**

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and protections provided to a spouse's child shall also apply to a child of a registered domestic partner.

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

#### **Bereavement**

Employees are entitled to bereavement leave as detailed in the employee agreements.

#### **Personal Necessity**

Employees are entitled to Personal Necessity leave as detailed in the employee agreements.

#### **Legal Duties**

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees.

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees.

An employee may take time off work in order to:

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to a direct Supervisor when requesting leave.

#### **Leaves for Crime Victims**

An employee may be absent from work in order to attend judicial proceedings related to a crime when he/she is a victim, immediate family member of a victim, registered domestic partner of a victim, or child of a registered domestic partner of a victim of the following crimes:

1. A violent felony
2. A serious felony
3. A felony provision of law prescribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, compensatory time off that is otherwise available to the employee, or unpaid leave.

Prior to taking time off, an employee shall give his/her supervisor a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. Butte County Office of Education shall keep confidential any records pertaining to the employee's absence from work.

#### **Leaves for Victims of Domestic Violence or Sexual Assault**

An employee who is a victim of domestic violence or sexual assault as defined by law may take time off work to obtain or attempt to obtain any relief including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or his/her child.

In addition, an employee who is a victim of domestic violence or sexual assault may take time off work to attend to the following activities:

1. Seek medical attention for injuries caused by domestic violence or sexual assault
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault
3. Obtain psychological counseling related to an experience of domestic violence or sexual assault
4. Participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation

An employee who is a victim of domestic violence or sexual assault may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment.

Prior to taking time off, an employee shall give reasonable notice to his/her Supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following documents:

1. A police report indicating that the employee was a victim of domestic violence or sexual assault
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence or sexual assault

Butte County Office of Education shall maintain the confidentiality of such an employee to the extent authorized by law.

#### **Personal Leave for a Child's School Activities**

Any employee who is a parent/guardian, or grandparent having custody of one or more children who are enrolled in grades K-12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the year, and the employee shall give reasonable advance notice of the absence.



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If both parents/guardians of a child are employed at the same work site, this leave shall be allowed for the first parent/guardian who applies. Simultaneous absence by the second parent may be granted by the County Superintendent or designee.

Upon request by the County Superintendent or designee, the employee shall provide documentation from the school or licensed day care facility that he/she participated in school or licensed day care facility activities on a specific date and at a particular time.

#### **Service on Education Boards, Committees, and State or Employee Organizations**

Upon request, certificated employees shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education boards, commissions, committees, or groups authorized by Education Code 44987.3 provided that all of the following conditions are met:

1. The service is performed in the state of California.
2. The board, commission, organization, or group informs Butte County Office of Education in writing of the service.
3. The board, commission, organization, or group agrees, prior to service, to reimburse Butte County Office of Education, upon Butte County Office of Education's Request request, for compensation paid to the employee's substitute and for actual related administrative costs.

Following Butte County Office of Education's payment to the employee for the leave of absence, the employee organization must reimburse Butte County Office of Education.

Upon request, certificated and classified employees shall be granted a leave of absence without loss of compensation to serve as an elected officer of an employee organization or any statewide or national employee organization with which the local organization is affiliated. The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization.

#### **Spouse or Registered Domestic Partner on Leave from Military Deployment**

An employee who works an average of 20 hours or more per week and whose spouse or registered domestic partner is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that his/her spouse or registered domestic partner is on leave from deployment during a military conflict.

The employee shall provide the County Superintendent or designee with notice, within two business days of receiving official notice that his/her spouse or registered domestic partner will be on leave from deployment, of his/her intention to take the leave. The employee shall submit written documentation certifying that his/her spouse or registered domestic partner will be on leave from deployment during the time that the leave is requested.

#### **Leave for Emergency Duty**

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training.

### **Civil Air Patrol Leave**

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to employees, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single emergency operational mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the County Superintendent or designee.

The employee shall give as much advance notice as possible of the intended dates of the leave. The County Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification.

### Legal Reference:

#### Education Code

44036-44037 Leaves of absence for judicial and official appearances  
44963 Power to grant leaves of absence (certificated)  
44981 Leave of absence for personal necessity (certificated)  
44985 Leave of absence due to death in immediate family (certificated)  
44987 Service as officer of employee organization (certificated)  
44987.3 Leave of absence to serve on certain boards, commissions, etc.  
45190 Leaves of absence and vacations (classified)  
45194 Bereavement leave of absence (classified)  
45198 Effect of provisions authorizing leaves of absence  
45207 Personal necessity (classified)  
45210 Service as officer of employee organization (classified)  
45240-45320 Merit system, classified employees

#### Family Code

297-297.5 Registered domestic partner rights, protections, and benefits

#### Government Code

3543.1 Release time for representatives of employee organizations

#### Labor Code

230-230.2 Leave for victims of domestic violence, sexual assault, or specified felonies  
230.3 Leave for emergency personnel  
230.4 Leave for volunteer firefighters  
230.8 Leave to visit child's school  
2333 Illness of child, parent, spouse, domestic partner or domestic partner's child  
234 Absence control policy  
1500-1507 Civil Air Patrol leave  
Military and Veterans Code  
395.10 Leave when spouse on leave from military deployment

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Penal Code

667.5 Violent felony, defined

1192.7 Serious felony, defined

California Constitution § Article 1

Section 7 Religious discrimination

United States Code, Title 29

2612 Family and Medical Leave Act, leave requirements

United States Code, Title 42

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

Approved: July, 2010

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4161.5**

**AR 4261.5**

**AR 4361.5**

### **REGULATIONS REGARDING MILITARY LEAVE**

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and examination to determine fitness for duty, and performance of funeral honors duty.

An employee who needs to be absent from the district to fulfill his/her military service shall provide advance written or verbal notice to the County Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable.

### **Salary/Compensation**

An employee shall receive his/her salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that:
  - a. He/she has been employed by the district for at least one year immediately prior to the day the military leave begins.
  - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that he/she has been employed by Butte County Office of Education for at least one year immediately prior to the day the military leave begins.
3. War or Other Emergency: The employee, however long employed by Butte County Office of Education, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty.
4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by Butte County Office of Education for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of Butte County Office of Education employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to Butte County Office of Education employment shall be included.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary.

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

During the period of military leave, an employee may, upon his/her own request, use any vacation or similar paid leave accrued before the commencement of the military leave. Butte County Office of Education shall not require the employee to use such leave.

#### **Benefits**

An employee may elect to continue his/her health plan coverage during the military leave. The maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less.

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required.

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan.

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of his/her military pay and the amount the employee would have received from Butte County Office of Education and all benefits that the employee would have received if he/she had not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts.

#### **Vacation and Sick Leave Accrual**

An employee on temporary military leave under the conditions described in item #1 Active Military Training or Exercises, in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which he/she would otherwise be entitled if not absent.

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave.

However, an employee who is a National Guard member on active duty as described in item #3 **War or Other Emergency**, in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence.

#### **Pension Plan Service Credit**

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System.

#### **Employment Status**

Absence for military leave shall not affect the classification of any certificated employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose.

#### **Reinstatement Rights**

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which he/she would otherwise have been entitled, except under the conditions noted below.

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service.

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows:

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of military service, provided the employee has a period of eight hours to rest following transportation to his/her residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

In cases where reporting within the periods specified in items #1 and #2 above is impossible or unreasonable through no fault of the employee, he/she shall report as soon as possible after the expiration of the period.

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable.

Upon receiving an application for reinstatement, the County Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of his/her case, but within a time period not to exceed two weeks, absent unusual circumstances.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which he/she is qualified.

An employee failing to apply for reinstatement within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the County Superintendent's rules governing unexcused absences.

The County Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. Butte County Office of Education's circumstances has so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee.
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on Butte County Office of Education as defined in 20 CFR 1002.5 or 1002.198.
3. The employee's position was for a brief, non-recurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period.
4. The employee's cumulative length of absence and length of all previous military leave while employed with Butte County Office of Education exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c).
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions.

#### **Notices**

The County Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334.

This requirement may be met by posting the notice where Butte County Office of Education customarily places notices for employees.

Approved: March, 2007

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4161.8**

**AR 4261.8**

**AR 4361.8**

### **REGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE**

Butte County Office of Education shall not deny any eligible employee his/her right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) or restrain or interfere with the employee's exercise of such right. In addition, Butte County Office of Education shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding.

### **Definitions**

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

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

Eligible employee for FMLA and CFRA purposes means an employee who has been employed by Butte County Office of Education for at least 12 months and who has at least 1,250 hours of service with Butte County Office of Education during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL.

Employee disabled by pregnancy means a woman who, in the opinion of her health care provider, is:

1. Unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or to other persons
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents.

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following:

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



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight. Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

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

Spouse means a partner in marriage as defined in California Family Code.

#### **Eligibility**

Butte County Office of Education shall grant FMLA or CFRA leave to eligible employees for any of the following reasons:

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

In addition, Butte County Office of Education shall grant PDL to any female employee who is disabled by pregnancy, childbirth, or other related medical condition.

#### **Terms of Leave**

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered service member as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. This 12-month period shall coincide with the fiscal year.

In addition, for each pregnancy, any female employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of her child or to bond with or care for the child.

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time.

If both parents of a child work for Butte County Office of Education, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship.

#### **Use/Substitution of Paid Leave**

During the period of PDL or any FMLA or CFRA leave, the employee may elect to use his/her accrued vacation leave, accrued sick leave, or any other paid time off negotiated with Butte County Office of Education that he/she is eligible to use.

Butte County Office of Education and the employee may also negotiate for the employee's use of any additional paid or unpaid time off instead of using the employee's CFRA leave.

#### **Intermittent Leave/Reduced Work or Leave Schedule**

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, Butte County Office of Education shall limit leave increments to the shortest period of time that the payroll system uses to account for absences or use of leave provided it is not to be greater than one hour.

The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, Butte County Office of Education shall grant a request for such leave of less than two weeks on any two occasions.

Butte County Office of Education may require an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of a medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is foreseeable based on his/her planned medical treatment or that of a family member. This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule.

#### **Request for Leave**

Butte County Office of Education shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make Butte County Office of Education aware of the need to take the leave and the anticipated timing and duration of the leave.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

Butte County Office of Education shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request.

Based on the information provided by the employee, the County Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if Butte County Office of Education is unable to determine whether the leave is CFRA qualifying.

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

In all instances, the employee shall consult with the County Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to Butte County Office of Education operations.

#### **Certification of Health Condition**

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the County Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the request, the employee shall provide the certification within 15 days, unless either the County Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts.

The certification shall include the following:

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
  - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

- b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
- 4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
- 5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable Butte County Office of Education to determine whether the employee's leave request is FMLA/CFRA-eligible, the County Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The County Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee.

If the County Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a Butte County Office of Education -approved health care provider, at Butte County Office of Education's expense. If the second opinion is contrary to the first, the County Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and Butte County Office of Education, again at Butte County Office of Education's expense. The opinion of the third health care provider shall be final and binding.

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

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

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

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, Butte County Office of Education may require the employee to provide recertification in the manner specified for the leave.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

#### **Release to Return to Work**

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

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

#### **Rights to Reinstatement**

Upon granting an employee's request for PDL or FMLA/CFRA leave, the County Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends.

Butte County Office of Education may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply:

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

Butte County Office of Education may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee.

Butte County Office of Education may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL.

#### **Maintenance of Benefits/Failure to Return from Leave**

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with Butte County Office of Education and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan.

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, Butte County Office of Education shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse Butte County Office of Education for premiums paid during the leave if he/she fails to return to Butte County Office of Education employment after the expiration of all available leaves and the failure is for a reason other than the

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control.

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

#### **Military Family Leave Resulting from Qualifying Exigencies**

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

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law.

Qualifying exigencies include time needed to:

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

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

An employee who is requesting leave for qualifying exigencies shall provide the County Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the County Superintendent or

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information as required by law.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis.

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

#### **Military Caregiver Leave**

Butte County Office of Education shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered service member with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered service member. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons.

Covered service member may be:

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

Son or daughter of a covered service member means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered service member stood in loco parentis.

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

Next of kin means the nearest blood relative to the covered service member, or as designated in writing by the covered service member.

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

Serious injury or illness means:

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
  - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating
  - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
  - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran
  - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

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

An employee requesting leave to care for a covered service member with a serious injury or illness shall provide the County Superintendent or designee with certification from an authorized health care provider of the service member that contains the information by law.

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

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

#### **Notifications**

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

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on Butte County Office of Education premises, or electronically, and shall be included in employee handbooks.  
The general notice shall also explain an employee's obligation to provide the County Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave.



## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

Any time the information provided in the above notice changes, the County Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice.
4. Designation Notice: When the County Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination.

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

If Butte County Office of Education requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If Butte County Office of Education requires an employee to present

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement.

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

### **Records**

The County Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law.

#### Legal Reference:

##### Education Code

44965 Granting of leaves of absence for pregnancy and childbirth

##### Family Code

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

300 Validity of marriage

##### Government Code

12926 Fair employment and housing act, definitions

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

##### Code of Regulations, Title 2

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

11087-11098 California Family Rights Act 12946 Fair Employment and Housing Act: discrimination prohibited

##### United States Code, Title 1

Definition of marriage

##### United States Code, Title 29

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

##### United States Code, Title 42

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

##### Code of Federal Regulations, Title 29

825.100 – 825.800 Family and Medical Leave Act of 1993

Approved: July, 2010

Revised: November, 2015

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4161.9**

**SP 4261.9**

**SP 4361.9**

### **CATASTROPHIC LEAVE**

#### **Purpose**

The purpose of a Catastrophic Leave Program is to allow Butte County Office of Education the opportunity to provide extended leave for employees experiencing a catastrophic event demanding their leave from work. For these reasons, Butte County Office of Education has created the Catastrophic Leave Bank to make available a depository by which qualifying employees are permitted to donate eligible leave credits to assist eligible employees when that employee or member of his or her family suffers from a catastrophic illness or injury.

According to Education Code, "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off."

Employees shall contact the Butte County Office of Education Human Resources Division for more information when faced with hardships that may be addressed by submitting an application for consideration of Catastrophic Leave benefits from the Catastrophic Leave Bank.

#### **Structure of the Catastrophic Leave Bank**

The Catastrophic Leave Bank will be administered by a committee comprised of the following members:

- (1) Member appointed by the Butte County Teachers' Association
- (1) Member appointed by the California School Employees Association Bargaining Unit #436
- (1) Member appointed by the California School Employees Association Bargaining Unit #736
- (1) Member appointed by the Butte County Management Association

The charge of the Committee will be to:

1. Meet as needed and whenever a Catastrophic Leave Application Request has been submitted for consideration;
2. Review all Catastrophic Leave Application Requests submitted for consideration;
3. Ensure all eligibility requirements have been met by employee submitting a Catastrophic Leave Application Request for consideration;
4. Monitor the balance of days in the Catastrophic Leave Bank.

Employees are encouraged to review the Butte County Office of Education Administrative Regulations for more information regarding the Catastrophic Leave Bank and to seek assistance from their immediate supervisor and the Human Resources Division with any unanswered inquiries.

Legal Reference:

Education Code

44043.5

54261.8

Approved: July, 2016

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**AR 4161.9**

**AR 4261.9**

**AR 4361.9**

### **REGULATIONS REGARDING CATASTROPHIC LEAVE PROGRAM**

Butte County Office of Education has created the Catastrophic Leave Bank to make available a depository by which qualifying employees are permitted to donate eligible leave credits to assist eligible employees when that employee or member of their family suffers from a catastrophic illness or injury.

#### **MEMBERSHIP**

Any Butte County Office of Education permanent or probationary employee can become a member of the Butte County Office of Education Catastrophic Leave Bank following the completion of twelve months of service.

Membership must be requested during one of two Open Enrollment periods for the Catastrophic Leave Bank. Enrollment periods will occur in May and September of each year. A special enrollment consideration will be given to employees who have a start date after July 1; these employees will be given an opportunity to contribute upon their first year anniversary.

Participation in the Butte County Office of Education Catastrophic Leave Bank is strictly voluntary.

#### **DONATIONS OF LEAVE CREDITS**

Donations will be made each year as necessary during the open enrollment periods. Donations entitle the employee to membership in the bank for a period of one year from the enrollment date. Verification of membership will be confirmed annually. The Butte County Office of Education Catastrophic Leave Bank Committee may decide to suspend the donations if the Butte County Office of Education Catastrophic Leave Bank is sufficiently funded.

Each participating eligible member's donation shall be a minimum of one (1) day from their accrued sick leave balance provided that such balance before the deduction of the one (1) day contribution is no less than seven (7) days. A "day" shall be a day that the eligible member is expected to be on duty as determined by their contract with Butte County Office of Education. Days shall be contributed without regard to the daily rate of the member.

A member's donation request to the Butte County Office of Education Catastrophic Leave Bank shall be completed on the appropriate donation form and shall be authorized by the unit member on an annual basis during the enrollment period. To continue membership in the Butte County Office of Education Catastrophic Leave Bank a new donation form must be submitted each time contributions are solicited.

Member contributions to the Butte County Office of Education Catastrophic Leave Bank are irrevocable and once contributed become the property of the Butte County Office of Education Catastrophic Leave Bank, except in the case of dissolution of the Butte County Office of Education Catastrophic Leave Bank.

Approval or disapproval of any membership donation form and/or forms for use by the Butte County Office of Education Catastrophic Leave Bank shall not be subject to any grievance process.

The Butte County Office of Education Catastrophic Leave Bank Committee will annually review and assess whether new donations are needed from existing members, and may establish special enrollment periods to solicit further donations. New members would have to contribute in any event.

#### **PROGRAM OBTAINABILITY**

Butte County Office of Education Catastrophic Leave Bank members who have exhausted all sick leave and other paid leave may submit a written application request, on the required form, to the Butte County Office of Education's Human Resources Division to request the withdrawal of hours from the Butte County Office of Education Catastrophic Leave

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Bank. Application requests shall be reviewed by the Butte County Office of Education Catastrophic Leave Bank Committee, and the decision of the Committee reported to the applicant, in writing within ten (10) days of receipt of the application request.

The Butte County Office of Education, the Butte County Teachers' Association, the California School Employees Association Bargaining Unit #436, the California School Employees Association Bargaining Unit #736, the Butte County Management Association, the Butte County Office of Education Catastrophic Leave Bank Committee shall not be held responsible if the Bank becomes depleted during the year.

### **WITHDRAWALS FROM THE BANK**

The Butte County Office of Education Catastrophic Leave Bank members whose sick leave and other paid leaves are exhausted may withdraw from the Butte County Office of Education Catastrophic Leave Bank for catastrophic illness or injury with the approval of the Butte County Office of Education Catastrophic Leave Bank Committee.

Catastrophic illness or injury shall be defined as any illness or injury that incapacitates an employee [member] or a member of the employee's immediate family, for over ten (10) consecutive days of duty. If a reoccurrence or a second illness or injury incapacitates an employee [member] or member of the employee's immediate family within twelve (12) months, it shall be deemed catastrophic after five (5) consecutive days.

For example, a Butte County Office of Education Catastrophic Leave Bank member who used the Butte County Office of Education Catastrophic Leave Bank, after exhaustion of sick leave and other paid leaves, to care for their spouse who dies of cancer, and after returning to work, suffers a heart attack, shall be deemed to have a second catastrophic illness and may again withdraw from the Butte County Office of Education Catastrophic Leave Bank after five (5) consecutive days off work.

If a Butte County Office of Education Catastrophic Leave Bank member is incapacitated, a representative of the member, or a family member may, on behalf of the Butte County Office of Education Catastrophic Leave Bank member, submit applications to the Butte County Office of Education Catastrophic Leave Bank Committee.

Withdrawals from the Butte County Office of Education Catastrophic Leave Bank shall be granted in units of no more than thirty (30) days. Butte County Office of Education Catastrophic Leave Bank members may submit requests for extensions of withdrawals as their prior grants expire. A Butte County Office of Education Catastrophic Leave Bank member's withdrawals may not exceed the statutory maximum period of twelve (12) consecutive months.

Butte County Office of Education Catastrophic Bank members applying to withdraw or extend their withdrawal shall be required to:

1. Submit the appropriate leave request forms to the Butte County Office of Education Human Resources Division at the Butte County Office of Education along with a Certification of Health Care Provider; and
2. Use any leave credits that they continue to accrue while in paid status before using leave hours withdrawn from the Butte County Office of Education Catastrophic Leave Bank.

The Butte County Office of Education Catastrophic Leave Bank member is required to use any additional sick leave days from the Butte County Office of Education Catastrophic Leave Bank for purposes for which the leave is approved. If a member is deemed qualified to return to work by their physician prior to the termination of the approved leave bank allotment, the remaining days shall be returned to the Butte County Office of Education Catastrophic Leave Bank.

If an employee is granted disability or retirement pay, any back pay received by the employee shall not result in the employee receiving compensation more than their regular pay rate. The sick leave bank shall be reimbursed for all

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

excess days at a rate equal to the amount received from disability or retirement. Disability leave (if paid by Butte County Office of Education) will be coordinated with catastrophic leaves under Coordination of Benefits.

If the Butte County Office of Education Catastrophic Leave Bank does not have sufficient days to fund a withdrawal request, the Butte County Office of Education Catastrophic Leave Bank Committee is under no obligation to pay the requesting Butte County Office of Education Catastrophic Leave Bank member any funds whatsoever. If a request for withdrawal, or an extension of withdrawal, is denied because of insufficient days to fund the request, they shall notify the requesting Butte County Office of Education Catastrophic Leave Bank member, in writing, of the reason for the denial.

The decision of the Butte County Office of Education Catastrophic Leave Bank Committee is final and not grievable.

### **ADMINISTRATION**

The Butte County Office of Education Catastrophic Leave Bank Committee shall have the responsibility of maintaining the records of the Butte County Office of Education Catastrophic Leave Bank in conjunction with the Butte County Office of Education Human Resources Division. The Butte County Office of Education Catastrophic Leave Bank Committee shall receive Butte County Office of Education Catastrophic Leave Bank member withdrawal requests, verify the validity of requests, approve or deny the requests, and communicate its decisions, in writing to the member, and the Butte County Office of Education Human Resources Division who will notify the Butte County Office of Education Payroll Department.

The Butte County Office of Education Catastrophic Leave Bank Committee's authority shall be limited to the administration of the Butte County Office of Education Catastrophic Bank and shall review all properly submitted requests complying with the terms of the Butte County Office of Education Superintendent's Policy and Administrative Regulations.

Butte County Office of Education Catastrophic Leave Bank member applications shall be reviewed with a decision of the Butte County Office of Education Catastrophic Leave Bank Committee reported to the member in writing within ten (10) days of receipt of the application.

The Butte County Office of Education Catastrophic Leave Bank Committee shall keep all records confidential and shall not disclose the nature of the request except as necessary to process the request for withdrawal. Records will be archived by school year.

By August 15th of each year, the Butte County Office of Education Catastrophic Leave Bank Committee will receive information regarding:

1. The total number of accumulated days in the Butte County Office of Education Catastrophic Leave Bank as of June 30<sup>th</sup> of the previous school year.
2. The names of all Butte County Office of Education Catastrophic Leave Bank members.

By the end of each calendar quarter, Butte County Office of Education shall notify the committee of the following:

1. The total number of days in the Butte County Office of Education Catastrophic Leave Bank at the beginning of the quarter.
2. The total number of days awarded during the quarter and to whom they were awarded.
3. The total number of days remaining in the Butte County Office of Education Catastrophic Leave Bank on the last day of the quarter.

### **DISSOLUTION OF THE BANK**

In the event it becomes necessary to dissolve the Butte County Office of Education Catastrophic Leave Bank, the days remaining in the Butte County Office of Education Catastrophic Leave Bank shall be distributed equally to the

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

accumulated sick leave balance of each of the current members of the Butte County Office of Education Catastrophic Leave Bank.

Approved: July 2016

Reviewed: October 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4200**

#### **CLASSIFIED PERSONNEL**

The County Superintendent recognizes that classified personnel provide essential services that support and enhance the educational goals of Butte County Office of Education (BCOE). The County Superintendent shall fill each of its classified positions with qualified persons, consistent with position requirements. The County Superintendent or designee shall ensure that the duties, responsibilities, and BCOE expectations for classified positions are clearly defined and made known to each member of the classified staff.

The County Superintendent shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service as delineated in Education Code 45103.

Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position.

Each classified position shall have a designated title and regular minimum number of assigned hours per day, days per week.

Classified employees shall be assigned by their immediate supervisors with the approval of the County Superintendent or designee. They shall be required to perform those duties prescribed in accordance with their applicable job descriptions and Collective Bargaining Agreements (CBA).

Each classified staff member shall be held accountable for assigned duties and shall undergo regular performance evaluations in accordance with law and negotiated CBAs.

The County Superintendent strongly encourages classified staff to continually improve their skills and pursue excellence within their profession.

Superintendent's Policy and Administrative Regulations related to classified personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

#### **Substitute and Short-Term Employees**

The County Office may employ a substitute employee to replace a classified employee who is temporarily absent from duty.

If the County Office is in the process of hiring a permanent employee to fill a classified position, a substitute employee may fill the vacancy for no more than 60 calendar days, unless the applicable collective bargaining agreement provides for a different period of time.

The County Office may employ a short-term employee to perform a service for the County Office when that service or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the County Superintendent or designee shall specify the service required to be performed by the employee and shall certify the ending date of the service. The ending date may be shortened or extended, but the date shall not be extended beyond 195 work days per year, including holidays, sick leave, vacation, and other leaves of absence, irrespective of the number of hours worked per day.



Butte County Office of Education

SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference

**Education Code**

45100-45139	Employment of classified staff
45160-45169	Salaries for classified employees
45190-45210	Leaves of absence; classified

Approved: July 2005

Revised: May 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4213**

#### **EMPLOYEE ASSIGNMENTS**

The County Superintendent shall make classified employee assignments in accordance with the needs of Butte County Office of Education (BCOE) and negotiated agreements.

Employees have no right of assignment to a particular work site.

All classified staff, with the exception of classified management and professional staff, are non-exempt employees for the purpose of the Fair Labor Standards Act. The hours of work shall be determined by their work assignments. (See Policy 4313 regarding certificated and classified management and professional staff.)

The County Superintendent reserves the right to assign, reassign, schedule and modify all terms and conditions of employment in accordance with the needs of BCOE and negotiated agreements.

Legal Reference:

#### **EDUCATION CODE**

1311 Classified county school employees

35035 Powers and duties of County Superintendent

45100-45139 Classified employees

#### **GOVERNMENT CODE**

3540 Meeting and Negotiating in Public Education Employment

3543.2 Scope of representation (re transfer/reassignment)

Approved: July 2004

Revised: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4213.2

#### RECLASSIFICATION PROCESS

Justification for reclassification of a classified position is the gradual addition or change of duties that are performed on an ongoing, daily basis that substantially changes the position. An employee must be in the current position a minimum of three (3) years.

1. The employee seeking reclassification shall submit a completed Request for Reclassification form to their immediate supervisor and a copy to CSEA with specific identification of:
  - a. The tasks being performed on an ongoing basis which are outside of their present assigned job description, and which are specifically identified as requirements of the reclassification level they are seeking.
  - b. Any skills or training which qualify them for consideration of reclassification to the new position.
2. A Reclassification Review Committee composed of the immediate supervisor/office manager, the Assistant Superintendent of the department, a peer currently in a position at the requested classification level (appointed by CSEA), and the CSEA chapter President/designee. The committee shall review the request with the Assistant Superintendent of Human Resources. The Assistant Superintendent will serve as chair of the committee.
  - a. If the committee determines that the reclassification warrants consideration and that the tasks being performed are necessary and cannot be performed without a reclassification of the employee, a recommendation for reclassification will be forwarded to the County Superintendent and Cabinet for consideration. A recommendation for reclassification will require unanimous support from the committee.
  - b. If the committee determines that consideration for reclassification is not warranted, the Assistant Superintendent of the department will review with Cabinet and will inform the employee of the committee's decision.
  - c. If the committee cannot agree on a recommendation, the committee may request a joint meeting with the County Superintendent and Cabinet. The County Superintendent may request additional input to the committee as deemed necessary.
  - d. The employee making the request may be asked to attend the meeting and show additional cause for requesting the reclassification. Additional "cause" might include:
    - 1) Any new information or considerations not included in the original request.
    - 2) Evidence that the employee is performing a "new" job or "the" job for which the reclassification is being requested.
    - 3) The request is based on administrator-initiated work, organizational structure, or management design which is consistent with the reclassification being requested.
  - e. The County Superintendent, with input from the committee, will make the final determination regarding all reclassification requests, and will inform the employee of the final decision.
  - f. The County Superintendent/designee will meet with CSEA to negotiate the implementation of the reclassification.

Approved: October, 2008

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4216

#### PROBATIONARY / PERMANENT STATUS

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed six months or 130 days of paid service, whichever is longer of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of Butte County Office of Education.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period in that position.

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The County Superintendent or designee may, without cause, dismiss a new employee during the initial probationary period. A permanent employee who was promoted to a higher classification may be returned during the probationary period to their former classification.

Substitute and short-term employees who are employed for less than seventy-five percent (75%) of the school year shall not be considered part of the classified service and shall not qualify for benefits of the regular classified employees.

#### Legal Reference:

##### Education Code

1311	Classified County School Employees
45103	Classified Employees Employment
45113	Classified Employees Employment

Approved:      July 2004  
                    October 2025

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### AR 4218

#### REGULATIONS REGARDING DISMISSAL / DEMOTION / SUSPENSION / DISCIPLINARY ACTION

##### Dismissal

Dismissal means an involuntary separation from service initiated by the employee's supervisor and approved by a Cabinet Member or designee.

##### Demotion

Demotion means an involuntary change in the employee's classification resulting in a reduction in pay rate.

Demotion due to reclassification when the employee is performing satisfactorily shall not be considered disciplinary action.

##### Suspension

Suspension means an involuntary absence from work, either with pay or without pay, imposed by the employee's immediate supervisor or a Cabinet Member or designee subject to the following conditions:

##### Involuntary Reassignment

Involuntary reassignment involves a change in work location without a change in classification or to a different classification in the same range or an involuntary movement from one worksite to another worksite without the employee's consent except a layoff for lack of work or lack of funds.

##### Cause

Probationary classified employees may be dismissed without cause at any time prior to completion of the probationary period. A permanent classified employee may be subject to disciplinary action, for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unlawful discrimination, including harassment, against any student or other employee
3. Unsatisfactory performance including incompetency, a pattern of inefficiency, or continued negligence in the performance of assigned duties
4. Insubordination including, but not limited to, refusal to do reasonably assigned work or any other serious breach of discipline
5. Unprofessional conduct which includes, but is not limited to, discourteous, offensive or abusive conduct toward other employees, pupils or the public
6. Dishonesty which may include misuse or theft, destruction or mishandling of Butte County Office of Education property or property of employees
7. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment; or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public
8. Use or possession of alcohol or a controlled substance while on duty or use in such proximity thereto as to affect the employee's performance
9. Engaging in political or personal activities during assigned hours of employment
10. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
11. Neglect of duty or repeated tardiness after warning, or absence without leave
12. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
13. Abuse of leave privileges

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

14. A physical or mental condition which precludes the employee from the proper performance of duties of the position
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Knowingly falsifying any information supplied to the Butte County Office of Education, including but not limited to, information supplied on application forms, employment records and other records
17. Persistent violation or refusal to obey safety rules or other procedures made applicable to the Butte County Office of Education by the County Superintendent or by any appropriate state or governmental agency
18. Any willful failure of good conduct tending to injure the public service or its reputation with particular regard to students
19. Abandonment of position, which shall be interpreted to mean an absence without continued notification in excess of one (1) day, except in case of dire emergency
20. Violation of Education Code 45503 or Government Code 1028 prohibiting the advocacy or teaching of communism
21. Willful or persistent violation of Butte County Office of Education rules and regulations or adopted and implemented procedures of a division or department when such procedures are made known to the employee in writing
22. Refusal to accept changes in shift assignment, working hours or work location provided that such changes were made in accordance with Butte County Office of Education rules and regulations or applicable collective bargaining agreement
23. Any other cause which when considered can reasonably be interpreted as negatively affecting, to a significant degree, the purposes and functions of the Butte County Office of Education, a department, a work site or the employee.

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts.

### **Initiation and Notification of Charges**

Prior to formal approval of disciplinary action, the Director/Manager will forward the list of complaints to the Cabinet Member or designee with the recommendation that disciplinary action be approved. Such prior notice shall contain:

1. A statement of the charges, which have resulted in the recommendation for disciplinary action.
2. A statement of the specific rules and/or regulations that have been violated by the employee.
3. A statement of the facts upon which the charges are based and copies of all relevant written materials supporting the facts.
4. A statement of the employee's right to respond to the charges.

When the Cabinet Member or designee has determined to act on the recommendation to suspend, demote or dismiss an employee, the employee shall be notified in writing prior to the implementation of the discipline of the recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Cabinet Member or designee whether to proceed with the recommendation for discipline. A Skelly conference can be no sooner than five days after notice has been given. A Skelly officer's recommendation is considered advisory and is not binding.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The Cabinet Member or designee shall provide any final recommendation for disciplinary action in writing with the County Superintendent. The notice shall provide the following:

1. A statement of charges in ordinary and concise language of the specific acts and/or omissions of the employee, which have resulted in the disciplinary action
2. A statement of the specific rules and/or regulations that have been violated by the employee and the relevant cause(s) for disciplinary action as specified in this section
3. Copies of all relevant written materials upon which the charges are based
4. A statement identifying the disciplinary action
5. A statement of the employee's right to appeal to the County Superintendent for a hearing on the charges, time within which the hearing may be requested which shall be not less than five (5) days after service of the notice to the employee.
6. A notice of disciplinary action shall be accompanied by a card or paper which, if signed by the employee and filed with the Human Resources Department within five (5) working days of receipt of the notice, shall constitute a denial of all the charges and a demand for a hearing.

A notice of disciplinary action shall be handed personally to the employee or sent by certified or registered mail. The notification requirement shall be deemed to have been complied with if a copy of the notice is deposited in the United States Post Office, addressed to the employee at the last known mailing address on file in the employee's official personnel folder.

For purposes of this regulation if a notice is mailed, the postmark date of the notice shall be the official date of notification. Five (5) calendar days after the postmark date shall be the official date of receipt of the notification.

### **Right of Appeal**

Upon receipt of notice the Cabinet Member or designee has taken action to suspend, demote or dismiss an employee, the employee may within five (5) working days appeal to the County Superintendent for a hearing. An appeal shall be considered to have been made if the employee signs the form provided with the notice, which constitutes a denial of the charges and a demand for a hearing, and files such form with the Human Resources Department within the specified time.

Any other written document signed and appropriately filed with the Human Resources Department within the specified time limit shall constitute sufficient notice of the request for a hearing. The request shall be delivered to the Human Resources Department during normal work hours. If mailed, it must be received or postmarked no later than the time limit specified. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

### **Hearing Procedure**

After an employee has made and filed an appeal in answer to charges, the County Superintendent shall order a hearing. If a hearing is to be conducted, the County Superintendent shall then fix the time and place of the hearing which shall be within a reasonable length of time from the receipt of the appeal, but in no event will the hearing be held less than five (5) days after services of the notice of disciplinary action to the employee.

The County Superintendent may appoint a hearing officer to conduct any hearing and report findings and recommendations. Such recommendations shall not be binding on the County Superintendent.

Hearings shall be conducted in the manner most conducive to determination of the truth, and neither the County Superintendent nor the hearing officers shall be bound by technical rules of evidence. Decisions made by the County Superintendent shall not be invalidated by any informality in the proceedings.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The County Superintendent or hearing officer shall determine the relevancy, weight and credibility of testimony and evidence. Findings shall be based on a preponderance of evidence.

The County Superintendent and the employee may be represented by separate legal counsel or other designated representatives.

A hearing shall be held in closed session unless an open hearing is requested by the employee. The County Superintendent or hearing officer may exclude witnesses not under examination except the employee and the party attempting to substantiate the charges against the employee and respective counsel.

If a hearing officer has been appointed, a written report of the hearing officer's findings and recommendations shall be submitted to the County Superintendent with copies sent to both parties involved.

The County Superintendent shall render judgment as soon after the conclusion of the hearing as possible and in no event later than twenty-one (21) calendar days after the hearing or after receipt of the hearing officer's report.

### **Involuntary Leave of Classified Employees**

If a classified employee is placed on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then upon the conclusion of the proceedings in favor of the employee, BCOE shall pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service. For this purpose, "involuntary leave of absence" includes, but is not limited to a compulsory leave of absence or a suspension.

Approved: October 2008

Revised: October 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4261.1**

#### **REGULATIONS REGARDING PERSONAL ILLNESS/INJURY LEAVE**

Classified employees employed five days a week for an entire fiscal year are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. An employee who serves less than a full fiscal year or fewer than five days a week shall be granted comparable leave in proportion to the time worked. However, any part-time employees who do not accrue at least 40 hours of sick leave by the 200<sup>th</sup> day of employment due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible.

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new employee shall not be entitled to more than half of their annual accrual until the first day of the calendar month after the employee has completed six months of active service with the Butte County Office of Education (BCOE).

Unused days of personal illness or injury leave shall be accumulated from year to year without limitation.

Upon employment with BCOE, a new classified employee shall receive credit for any personal illness or injury leave accumulated in a previous school district, county office of education, or community college district.

An employee shall reimburse BCOE for any unearned sick leave used as of the date of termination.

#### **Purposes of Leave**

A classified employee may use personal illness or injury leave granted by BCOE for the following purposes:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease
2. Absences due to pregnancy, childbirth, and related recovery, as well as reproductive loss
3. Cases of personal necessity as specified in Education Code 45207
4. Medical or dental appointments, in increments of not less than one hour
5. Cases of industrial accident or illness when leave granted specifically for that purpose has been exhausted
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave)
7. Need of the employee's family member, including a designated person, as defined in Labor Code 245.5 for the diagnosis, care, or treatment of an existing health condition or for preventive care up to the amount of leave that would be accrued during six months for personal illness or injury
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee when the employee has been a victim of domestic violence, sexual assault, or stalking
9. Bereavement leave as specified in Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves

#### **Notification of Absence**

An employee shall notify the County Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify BCOE.

#### **Verification Requirements**

After any absence due to illness or injury, the employee shall submit a completed and signed BCOE absence form to their immediate Supervisor.

The County Superintendent or designee may, at any time, require additional written verification by the employee's physician or medical practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The County Superintendent or designee may require an employee to visit a physician selected by BCOE, and at BCOE's expense, in order to receive a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the statement concludes that the employee's condition does not warrant continued absence, the County Superintendent or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from their physician stating that the employee is able to return to work and stipulating any recommended restrictions or limitations. Verification requirements shall not discriminate against any employee on the basis of the employee's religious practice.

Any BCOE request for additional verification by an employee's physician or a BCOE-selected physician shall be in writing and shall specify that the report to be submitted to BCOE should not contain the employee's genetic information. Any genetic information received by BCOE on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

#### **Compensation After Available Sick Leave is Exhausted/Differential Pay**

A classified employee who has exhausted all paid leave, including personal illness or injury leave, and continues to be absent on account of illness or injury for a period of 100 days or less shall receive their salary, minus the actual amount paid a substitute employed to fill the position during the employee's absence for the remaining days within a total 100 day period of absence. The 100 day period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

#### **Extension of Leave**

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available personal illness or injury leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The County Superintendent may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months.

## Butte County Office of Education

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able to resume the duties of their position, they shall be reemployed in the first vacancy in the classification of their previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to their seniority.

#### **Additional Leave for Disabled Military Veterans**

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked.

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, BCOE may change the sick leave time used before the disability rating decision to an alternative leave balance.

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited.

#### **Parental Leave**

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave.

Eligibility for such leave shall not require 1,250 hours of service with BCOE during the previous 12 months.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks.

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period.

### Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days and BCOE shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging BCOE violation of Labor Code 245-249.

To ensure the BCOE's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
  - a. That an employee is entitled to accrue, request, and use paid sick days
  - b. The number of sick days provided by Labor Code 245-249
  - c. The terms of use of paid sick days
  - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if BCOE discriminates or retaliates against the employee
2. Provide at least 40 hours or five days (whichever is more) of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

### Legal Reference:

#### State

##### EDUCATION CODE

45103	Substitute employees
45190	Leaves of absence and vacations
45191	Leaves of absence for illness and injury
45191.5	Leave for military service-connected disability
45193	Leave of absence for pregnancy (re use of sick leave under certain circumstances)
45195	Additional leave for nonindustrial accident or illness; reemployment preference
45196	Salary; deductions during sick leave
45196.1	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
45202	Transfer of accumulated sick leave and other benefits

##### GOVERNMENT CODE

12945.1-12945.2	California Family Rights Act
12945.6	Parental leave

##### LABOR CODE

230	Accommodations and leave for victims of domestic violence
230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
233	Leave to attend to family illness
245-249	Health Workplaces, Health Families Act of 2014

#### Federal

##### CODE OF FEDERAL REGULATIONS, Title 29

1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
----------------	---

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

825.100-825.702

UNITED STATES CODE, Title 29

2601-2654

2000ff-2000ff-11

Family and Medical Leave Act of 1993

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Approved:

July 2007

October 2025

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4300

#### MANAGEMENT PERSONNEL

The County Superintendent recognizes that effective management is vital to the success of Butte County Office of Education (BCOE) students and programs. Management personnel are expected to demonstrate initiative and good judgement in the development, implementation, and oversight of BCOE programs. Supervisors shall promote the productivity, professional growth, and teamwork of their staff.

It is the intent of the County Superintendent to analyze the needs of the Butte County Office of Education on an annual basis to determine which management positions may not be necessary for the following year.

Management positions shall be defined as follows:

1. Managers are those employees having significant responsibilities for formulating County Office of Education policies or administering BCOE programs and whom the County Superintendent has legally designated as management. These positions, found on Salary Schedules 1, 16, and 19 are designated as administrative or professional under the Fair Labor Standards Act (FLSA).
2. Supervisory employees are those who have the authority to make recommendations to the County Superintendent or designee concerning the employees under their supervision. This authority shall extend to the following areas: hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, direction, work assignment, and discipline. These positions, found on Salary Schedules 1, 16, and 19 are designated as supervisory under the FLSA.
3. Confidential employees are those employees who, in the regular course of their duties, may have access to or possess information relating to their employer's employer-employee relations. These positions, found on Salary Schedules 1, 16, and 19 are designated as administrative or professional under the FLSA.
4. Knowledge Resource employees perform highly skilled, specialized, and technical duties, but are non-exempt per the FLSA. These positions are found on Salary Schedule 17.

Legal Reference:

#### **State**

EDUCATION CODE

45128 Overtime

45130 Exclusion from overtime provisions

#### **GOVERNMENT CODE**

3540 Purpose

3540.1 Public Employment; definitions

3543.4 Management and confidential positions: representation

3545 Unit Determinations

#### **Federal**

U.S. Code, Title 29

213 Exemptions

Approved: July 2004

Revised: November 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4313**

#### **EMPLOYEE ASSIGNMENTS**

The County Superintendent shall make management employee assignments in accordance with the needs of Butte County Office of Education (BCOE).

Employees have no right of assignment to a particular work site.

Except where otherwise appropriate, certificated management employees shall be assigned within the scope of their certificate and competency.

The County Superintendent designates in accordance with law salaried positions which are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority that they entail.

The County Superintendent reserves the right to assign, reassign, schedule and modify all terms and conditions of employment in accordance with the needs of BCOE.

#### **Management Work Year**

The number of days as indicated on management salary schedules 1, 16, 17, and 19, and on individual contracts, shall comprise the "regular" work year as determined by the County Superintendent.

#### **Work Schedules**

Work schedules may be fulfilled in a flexible manner in order to best meet the demands of the tasks to be accomplished. The standard workweek for management employees is Monday through Friday. The hours of work shall be determined by their work assignments.

Saturday and/or Sunday may be considered a duty day only with prior approval or directive by an Associate Superintendent, and:

1. It is a mandatory activity of BCOE; or
2. The activity is required as a part of employee's job responsibilities; or
3. It is a conference that has been requested, pre-approved in writing, and meets the criteria of 1 or 2.
4. It is the result of an emergency requiring working Saturday and/or Sunday

#### **Certificated Management**

A maximum of 8 work days over the contracted work year may be carried over to the next contracted work year and taken as non-duty days that count towards the fulfillment of the contract.

Upon termination of employment, a maximum of 8 unused carry over workdays shall be paid at the employee's daily rate.

A record of the days worked shall be maintained and reported on the Employment Record (ER).

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **Extra Work for Extra Pay**

Management personnel may be assigned "extra work for extra pay" responsibilities as determined by the County Superintendent.

"Extra work for extra pay" requests may also be made by management personnel to the County Superintendent. Requests will be submitted in writing with a recommendation by the program administrator. Requests for "extra work for extra pay" may be made annually.

Consideration for approval will be made on an individual basis. The rationale for the request must include a description of the work that will be accomplished during the "extra work" assignment.

If approved, "extra work for extra pay" assignments will be identified as such in contracts which will be separate and apart from the regular work year contracts.

"Extra work for extra pay" time will not be counted as part of the regular contract year. It will not be used for the purpose of extending the regular contract year, or for the purpose of calculating employer contributions for employee benefits under STRS.

Knowledge Resource employees will be paid for extra time in accordance with applicable overtime laws.

Legal Reference:

#### **State**

EDUCATION CODE

45108.5 Classified Employees Employment

45130 Classified Employees Employment

#### **Federal**

United States Code, Title 29

201-216 Fair Labor Standards Act

Code of Federal Regulations, Title 29

511-800 Wage and Hour

Approved: July 2004

Revised: April 2022

Revised: October 2023



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4313.1

#### RECLASSIFICATION PROCESS

Justification for reclassification of a management position is the gradual addition or change of duties that are performed on an ongoing, daily basis that substantially changes the position. An employee must be in the current position a minimum of three (3) years.

1. The reclassification process may be initiated by the management employee, his/her supervisor or the division Assistant Superintendent. The initiating party seeking reclassification shall submit a completed Request for Reclassification form to the employee's immediate supervisor. Information about the tasks being performed on an ongoing basis which are outside of their present assigned job description, and which are specifically identified as requirements of the reclassification level they are seeking shall be detailed. In addition, any skills or training which qualify them for consideration of reclassification to the new position shall be included.
2. A reclassification review committee shall be convened, composed of the immediate supervisor, the Assistant Superintendent of the division, the Assistant Superintendent of Human Resources, a peer currently in a position at the requested classification level and the BCMA President/or designee. The Assistant Superintendent of the employee's division will serve as chair of the committee.
  - a. If the committee determines that the reclassification warrants consideration and that the tasks being performed are necessary and cannot be performed without a reclassification of the employee, a recommendation for reclassification will be forwarded to the County Superintendent for consideration. A recommendation for reclassification will require unanimous support from the committee.
  - b. If the committee determines that consideration for reclassification is not warranted, the Assistant Superintendent of the division will review with Cabinet and will inform the employee of the committee's decision.
  - c. If the committee cannot agree on a recommendation, the committee may request a joint meeting with the County Superintendent and Cabinet. The County Superintendent may request additional input to the committee as deemed necessary.
  - d. The employee involved in the request may be asked to attend the meeting and show additional cause for the reclassification. Additional "cause" might include:
    - 1) Any new information or considerations not included in the original request.
    - 2) Evidence that the employee is performing a "new" job or "the" job for which the reclassification is being requested.
    - 3) The request is based on administrator-initiated work, organizational structure, or management design which is consistent with the reclassification being requested.
  - e. The County Superintendent, with input from the committee, will make the final determination regarding all reclassification requests, and will inform all parties of the final decision.

Approved: August, 2008

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4313.2**

#### **DEMOTION / REASSIGNMENT**

The County Superintendent may authorize the demotion or reassignment of any administrative or supervisory employee when such action is determined to be in the best interest of the Butte County Office of Education.

The County Superintendent or designee shall ensure that Butte County Office of Education complies with all applicable statutory deadlines and due process procedures when an employee is to be demoted or reassigned.

#### Legal Reference:

##### Education Code

35031 Senior management employee in the classified service: non-reelection

44660-44665 Evaluation and assessment of performance of certificated employees

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44897 Classification of administrator or supervisor to a teaching position

44951 Continuation in position unless notified

45101 Definitions (including disciplinary action, cause)

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

52055.5 Meeting or exceeding growth requirements

52055.650 Review by state board

52055.57 Districts identified or at risk of identification for program improvement

Approved: March, 2007

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4313.2**

#### **REGULATION REGARDING DEMOTION / REASSIGNMENT**

##### **Certificated Administrative Employees**

Permanent certificated management staff are not entitled to seniority rights in their administrative positions. However, such staff shall earn and/or retain any seniority earned in service as a classroom teacher or site administrator.

##### **End of Year Release/Reassignment of Certificated Administrators**

By March 15, an employee shall be notified by either registered mail or in person that he/she may be released or reassigned from his/her position for the following school year. If the notice is presented to the employee in person, Butte County Office of Education shall obtain his/her signature acknowledging receipt of the notice on Butte County Office of Education's copy of the written notice.

If the March 15 notice indicates that release or reassignment is only a possibility, the County Superintendent shall take additional action to release/reassign the employee before the new school year and shall send the employee a second notice by June 30 indicating that he/she has been released or reassigned.

If the employee is to be released or reassigned to a teaching position, the County Superintendent shall give the employee, upon his/her request, a written statement of the reasons for the release/reassignment. If the reasons include incompetence as an administrator or supervisor, the Butte County Office of Education shall have completed an evaluation of the employee within the 60-day period immediately preceding the notice date.

Approved: March, 2007

Revised:

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4314**

#### **TRANSFERS**

The County Superintendent recognizes the importance of placing employees in positions that best utilize their skills and talents, help improve student achievement, and provide the most benefit to Butte County Office of Education.

The County Superintendent or designee, shall approve the transfer or rotation of administrative or supervisory personnel to the same position at another location for reasons including, but not limited to, the need to improve student achievement and operational efficiency, utilize the skills and talents of the employee more effectively, provide opportunities for professional growth, provide an opportunity for evaluating employees in different school settings or locations, and best accommodate the overall needs of Butte County Office of Education.

The County Superintendent or designee shall establish procedures to enable administrative or supervisory personnel to request a transfer to a vacant position.

#### Legal Reference:

##### Education Code

35031 Senior management employee in the classified service: non-reelection

35035 Additional powers and duties of superintendent

44850.1 No tenure in administrative or supervisory positions

44896 Transfer of administrator or supervisor to teaching position

44897 Classification of administrator or supervisor to a teaching position

44951 Continuation in position unless notified

45101 Definitions (including disciplinary action, cause)

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

52055.57 Districts identified or at risk of identification for program improvement

##### United States Code, Title 20

6316 School and district improvement

Approved: March 2007

Reviewed: October 2023

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **AR 4314**

#### **REGULATIONS REGARDING TRANSFERS**

##### **Involuntary Transfer**

Before recommending the transfer or lateral rotation of an employee, the County Superintendent or designee shall confer with the affected employee and notify them of the intent to recommend the transfer. For transfers effective at the beginning of the school year, this conference shall take place before May 30. Affected employees shall be notified of the final decision, in writing, as soon as practicable.

##### **Voluntary Transfer**

The employee shall submit a transfer request to the County Superintendent or designee at the time of the known vacancy. The employee shall be notified in writing of the decision whether or not to grant the transfer request.

Transfer requests may be withdrawn by the employee at any time prior to the final decision.

Approved: March 2007

Revised: October 2023

**SP 4315**  
**EVALUATION/SUPERVISION**

The County Superintendent recognizes the importance of regular and comprehensive evaluations of management personnel to provide ongoing feedback for continuous improvement of employee performance. Evaluations shall be linked to Butte County Office of Education’s (BCOE) Mission and Goals, strategic plan, school improvement goals, professional development plan, and goals for student achievement.

Evaluations shall be used to recognize the exemplary skills and accomplishments of management employees as well as identifying areas needing improvement. When the evaluation indicates areas needing improvement, the employee is expected to take the initiative to improve their performance and for their supervisors to assist them in obtaining needed job skills.

The County Superintendent shall develop objective evaluation guidelines and standards for use in BCOE’s evaluation system for both certificated and classified management personnel. Such standards may include those of the California Professional Standards for Education Leaders as well as other standards and criteria developed by the County Superintendent.

Each management employee shall be evaluated every other year.

Any management employee who is new to a position shall be evaluated each year for the first two years in the position. Evaluation is a continuous process and shall occur between scheduled periods.

The evaluation timeline for certificated management personnel shall be the same as for other certificated instructional personnel.

Legal Reference:

**Education Code**

33039	State guidelines for teacher evaluation procedures
35171	Availability of rules and regulations for evaluation of performance
44660-44665	Evaluation and assessment of performance of certificated employees
45113	Rules and regulations for the classified service in districts not incorporating the merit system

**Government Code**

3540.1	Public employment; definitions
3545	Appropriateness of unit; basis

Approved: July 2007

Revised: May 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4315.1

#### COMPETENCE IN EVALUATION

The County Superintendent or designee will assess and certify the competency of management employees assigned to evaluate employees every two (2) years. Certification of competency will be part of management and supervisory employee evaluation.

Evaluator competency will be based on the following criteria:

#### All Evaluators

1. Be familiar with Butte County Office of Education policies and procedures for personnel supervision, performance evaluation and staff development:
  - a. Be knowledgeable of the legal provisions and policies and procedures governing supervision, evaluation and dismissal.
  - b. Follow Butte County Office of Education procedures, policies and priorities relating to job requirements.
  - c. Ensure that employees are aware of Butte County Office of Education adopted evaluation procedures and the criteria for judging performance quality.
  - d. Apply Butte County Office of Education criteria for judging employee performance.
  - e. Use goals and objectives for improved performance practices.
  - f. Design inservice opportunities and provide resources for employees acquiring needed skills to meet performance standards.
  - g. Monitor employee progress toward goals and objectives.
  - h. Summarize evaluations, making recommendations and commendations.

#### Evaluators of Teaching Staff

1. Possess a valid administrative credential.
2. Be competent in instructional methodologies used by teachers they are assigned to evaluate, including:
  - a. Knowledge of expected content coverage.
  - b. Planning for the achievement of specified objectives.
  - c. Analyzing a task into its prerequisite skills and sequences of learning.
  - d. Applying principles of learning, including human development.
  - e. Applying a repertoire of teaching strategies depending on the instructional objectives and the learners' needs, styles and capacities.
  - f. Monitoring students' progress toward goal achievement.
  - g. Monitoring students' on-task behavior.
  - h. Gathering data about and keeping records of student progress.
  - i. Analyzing, evaluating and modifying the effectiveness of teaching strategies.
  - j. Applying classroom management skills, including setting classroom rules and using appropriate interventions.
  - k. Demonstrating behaviors that promote equal opportunity, such as proximity and opportunity for response and access to student leadership opportunities.
3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction:
  - a. Conference with teachers before and after instruction.

# Butte County Office of Education

## SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS

- b. Observe classroom instruction and student performance.
- c. Facilitate the teacher's analysis, evaluation and modification of the teaching strategies and lesson design.
- d. Design in-service strategies for instructional improvement.
- e. Facilitate the acquisition of materials, facility arrangement, scheduling and provide resources or other support services needed to improve instruction and learning.
- 4. Be familiar with Butte County Office of Education curriculum priorities, policies and practices, Butte County Office of Education standards for student progress, and Butte County Office of Education policies and procedures related to personnel supervision, performance evaluation and staff development
- 5. Participate in at least one in-service per year in clinical supervision and/or other approved instructional and evaluation techniques.

### Legal Reference:

#### **Education Code**

33039

Powers and duties

44660-44665

Evaluation and Assessment of Performance of Certificated Employees

44681-44689

Administrator training and evaluation

#### **Government Code**

3543.2

Rights, Obligations, Prohibitions, and Unfair Practices

Approved: July 2004

Revised: May 2024



# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **SP 4316**

#### **PROBATIONARY / PERMANENT STATUS**

The County Superintendent or designee may dismiss an employee during the initial probationary period.

Employees newly hired for classified management positions shall be considered probationary employees until they have been employed by the district for six months or 130 days of paid service, whichever is longer. Upon satisfactorily completing this period, they shall become permanent classified employees of Butte County Office of Education.

Probationary employees shall receive a written performance evaluation by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period in that position.

Substitute and short-term employees who are employed for less than seventy-five percent (75%) of the school year shall not be considered part of the classified service and shall not qualify for benefits of the regular classified employees.

Legal Reference:

Education Code

1311 Classified County School Employees

45103 Classified Employees Employment

45113 Classified Employees Employment

Approved: November, 2009

Revised: September, 2022

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### SP 4317.3

#### PERSONNEL REDUCTION

##### Certificated Management

Certificated management staff serves at the pleasure of the County Superintendent. When the County Superintendent needs to reduce the number and/or kind of certificated management staff, notification shall be by certified mail or in person no later than March 15. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the Butte County Office of Education (BCOE) copy of the notice no later than March 15. These provisions do not apply to certificated management staff who hold a written contract with an expiration date beyond the current school year, or to a certificated employee holding a position that is funded for less than a school year, or to a certificated employee assigned to an interim position.

Certificated managers do not earn permanency as teachers. If permanency was earned as a teacher by teaching in the county service, it is retained on advancement to an administrative position. The County Superintendent may place displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of BCOE).

##### Classified Management

Classified Management employees, except for those designated as Cabinet-level employees, shall be entitled to the same procedure and have the same layoff rights as all other classified employees. Layoff proceedings shall be carried out in consultation with legal counsel.

The County Superintendent may abolish any or all positions of the Cabinet-level of the classified service. Any employee occupying a Cabinet-level position abolished shall become a member of the classified or certificated service in a position to which they would otherwise be entitled if the employee had not been in a Cabinet-level position.

Legal Reference:

#### EDUCATION CODE

35031	Officers and Agents
44951	Resignations, dismissals and leaves of absence
45100.5	Employment
45104.5	Employment
45108.5	Employment
45108.7	Employment
45114	Employment
45117	Notice of layoff; classified employees
45256.5	Merit System
45380	Retraining and study

#### GOVERNMENT CODE

3540.1	General provisions
3543.4	Rights, obligations, prohibitions and unfair practices
3545	Unit determinations

Approved: July 2004

Revised: May 2024

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

**SP 4161**

**SP 4261**

**SP 4361**

### **Leaves**

The County Superintendent shall provide for paid and unpaid leaves of absence for employees in accordance with law, Superintendent policy and administrative regulations, and collective bargaining agreements, as applicable.

The following justifiable reasons for employee absence are recognized:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave
11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
12. Bereavement

### **Long-Term Leaves**

After exhausting all other qualified leaves, including sick differential (when applicable), and with the approval of the Superintendent or designee, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to eighteen months, in 6-month increments. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return. The decision to grant or deny the unpaid leave is final.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that held at the time the leave was granted, unless otherwise agreed upon.

The County Superintendent or designee shall consider any written request by an employee to return to work prior to the expiration date of the leave.

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### Failure to Return to Service After Leave

In the case of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, the County Office of Education may terminate the employment of such an employee if all of the following circumstances exist:

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of their intention to remain in service with the county office of education in accordance with Education Code 44842.
2. The County Office of Education had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work.
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work
4. The employee did not request or was not granted a leave of absence authorized by the Superintendent or designee.

In any such case, the County Office may terminate the employee's employment on the day following 20 consecutive days of absence.

### Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination.

### Involuntary Leave of Classified Employees

If a classified employee is placed on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then upon the conclusion of the proceedings in favor of the employee, BCOE shall pay the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service. For this purpose, "involuntary leave of absence" includes, but is not limited to a compulsory leave of absence or a suspension.

### Management Personnel

Certificated and classified management employees who are not subject to bargaining agreements shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated or classified employees unless otherwise specified in individual contracts, memorandums of understanding, Superintendent Policy and Administrative Regulations, or law.

### Legal Reference:

#### State

##### EDUCATION CODE

22850-22856

44018

44036-44037

44043.5

Pension benefits; STRS members on military leave

Compensation for employees on active military duty

Leaves of absence for judicial and official appearances

Catastrophic leave

# Butte County Office of Education

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

44800	Effect of active military service on status of employees
44842	Reemployment notices; certificated employees
44940	Compulsory leave of absence for certificated employees
44962-44988	Leave of absence; certificated
45059	Employee ordered to active military/naval duty; computation of salary
45190-45210	Leaves of absence; classified
FAMILY CODE	
297-297.5	Rights, protections, benefits under the law; registered domestic partners
GOVERNMENT CODE	
12945.1-12945.21	California Family Rights Acts
20990-21013	Pension benefits; PERS members on military leave
3543.1	Rights of employee organizations
3543.2	Scope of representation
LABOR CODE	
230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
230.3	Leave for emergency personnel
230.4	Leave for volunteer firefighters
230.8	Time off to visit child's school
233	Leave to attend to family illness
MILITARY & VETERANS CODE	
395-395.9	Military leave
395.10	Leave when spouse on leave from military development
<b>Federal</b>	
UNITED STATES CODE, Title 29	
2601-2654	Family Care and Medical Leave Act
UNITED STATES CODE, Title 38	
43601-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Approved:      April 2025  
                    October 2025