

# Fresno Adult School



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Fresno Unified School District

## **STAFF HANDBOOK**

**2023 — 2024**

**Fresno Adult School Staff Handbook**



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2<sup>nd</sup> Floor – Chavez

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## MISSION

We nurture and cultivate the interests, intellect, and leadership of our students by providing an excellent, equitable education in a culturally proficient environment.



## VISION

Fresno Unified School District: Where students, families, and staff are valued and empowered to achieve their greatest potential.



## VALUES

### **We Value Learning**

We provide high quality teaching and learning that involves challenging and relevant experiences to produce critical, collaborative, and solution-oriented thinkers

We create learning experiences that support a wide range of ability and are focused on improving every day with constructive and consistent feedback

We emphasize learning is enjoyable, engaging, and interactive

We know all individuals can learn and we demonstrate that by having high expectations and a growth mindset





### **We Value Positive Behavior**

We promote all individuals to grow intellectually, emotionally, morally, socially, and culturally  
 We demonstrate a passion for life rooted in respecting and understanding one another  
 We prepare our students to play active roles in building positive communities



### **We Value People & Our Community**

We create a welcoming place where diversity, equity, and inclusion are at the forefront of all our decisions to create a place where people are treated with respect and compassion  
 We strive to ensure that all feel loved, valued, informed, and heard



### **We Value Accountability**

We have a responsibility to action and own the consequences of our actions  
 We measure and reflect on outcomes to improve the quality of work  
 We use evidence-based methods and make data-informed decisions  
 We own the intent and the impact of our actions at all levels of Fresno Unified



We nurture and cultivate the interests, intellect, and leadership of our students by providing an excellent, equitable education in a culturally proficient environment.





### **Student Goals**

#### **Improve academic performance at challenging levels**

Close the achievement gaps through an equity lens and research-based instructional & intervention practices

#### **Expand student-centered and real-world learning experiences**

Promote intellectual curiosity, critical thinking, and problem-solving in order to be prepared for college and career

#### **Increase student engagement in their school and community**

Create a safe and inclusive climate that promotes relationships, involvement, diversity, and our values



### **Family Goal**

#### **Increase inclusive opportunities for families to engage in their students' education**

Establish and enhance culturally-proficient two-way communication and engagement opportunities for families



### **Staff Goal**

#### **Increase recruitment and retention of staff reflecting the diversity of our community**

Create a safe and inclusive climate that promotes relationships, collaboration, diversity, and our values





# **Fresno Adult School** **Mission Statement**

**Preparing students to achieve  
their Educational and Career  
Goals**





### 2023 FAS Meetings & Progress Reports Due Dates

Department Meetings 1:00pm to 3:00pm	ILT Meetings Time - TBD	PLC Meetings 1:00pm to 3:00pm	Staff Meetings 1:00pm to 3:00pm	Progress Reports Due Dates
August 18th	August 31st	August 25th	None	Q1: October 5th
September 8th 22nd	September 28th	September 1st, 15th	September 22nd	
October 13th	October 26th	October 6th, 20th	October 27th	
None	November 30th	November 3rd	November 17th	Q2: December 14th
December 1st	None	December 8th	December 15th	Q3: March 14th
January 12th	January 25th	January 19th	January 26th	
February 9th	February 29th	February 2nd, 16th	February 23rd	
March 8th	March 21th	March 1st, 15th	March 22nd	Q4: May 28th
April 5th, 19th	April 18th	April 12th	April 26th	
May 10th, 24th	May 30th	May 3rd, 17th	May 31st	



Notes:  
 3 hr course  
 CIT: Residency Card Needed  
 VESL: Career based ESL- CASAS 196+

**ESL SCHEDULE**  
**PY 2023 -2024**  
**Start: 8/14- 12/15/23**

PERIOD 1 Monday/Wednesday/Friday 8:30 - 10:20AM					PERIOD 1 Tuesday/Thursday/Friday 8:30am - 10:20am				
Level	Room	Section	EL Grics	Teacher	Level	Room	Section	EL Grics	Teacher
Beg. Lit/Low (195 -Below)	Annex A	20010.115		Provenio (NWF)	Beg High (196-205)	213	20050.116		Socorro Luna (TTHF)
Beg High (196-205)	213	20050.115		Socorro Luna (NWF)	Int Low (206-215)	104	20075.116		Yang Mosa (NWF)
Int Low (206-215)	104	20075.115		Yang Mosa (NWF)	Int. High (216-225)	203	20100.115		Tomnie Martinez (TTHF)
Int. High (216-225)	203	20100.116		Tomnie Martinez (NWF)	Citizenship	202	22000.116	8:30am-11:30	Jovana L.Vega (TTH)
IET Paraprofessional	201	20601.110	8/14-9/22	Zona Yang (NWF)	IET Compt. Lit Multi Level	115	20345.116		Zona Yang (TTHF)
Citizenship	202	22000.115		Jovana L.Vega (NWF)					
Offsite ESL Multi Level Low Monday/Wednesday					Offsite ESL Multi Level Low Tuesday/Thursday				
Location	Childcare	Section	EL Grics	Teacher	Location	Childcare	Section	EL Grics	Teacher
Wawona MS 8/21	Yes	20200.117		Bianca Ledesma NW (8:30 - 11:30)	Calva 8/22	Yes	20200.118	8:30-11:30am	Leticia Alvarez (TTH)
FIRM	Yes	20200.417		Sally Rivera NW (9:30 - 12:30)	Ewing 8/22	Yes	20200.116		Yang Mosa (TTH) (8:30 - 10:20)
					Fresno High 8/22	Yes	20200.415	5:20-8:20pm	Annel Gonzalez (TTH)
PERIOD 2 Monday/Wednesday/Friday 10:40 - 12:30 PM					PERIOD 2 Tuesday/Thursday/Friday 10:40 - 12:30PM				
Level	Room	Section	EL Grics	Teacher	Level	Room	Section	EL Grics	Teacher
Beg. Lit/Low (195 -Below)	Annex A	20010.215		Provenio (NWF)	Beg High (196-205)	213	20050.216		Socorro Luna (TTHF)
Beg High (196-205)	213	20050.215		Socorro Luna (NWF)	Int Low (206-215)	104	20075.216		Yang Mosa (TTHF)
Int Low (206-215)	104	20075.215		Yang Mosa (NWF)	Int. High (216-225)	203	20100.216		Tomnie Martinez (TTHF)
Int. High (216-225)	203	20100.215		Tomnie Martinez (NWF)	IET Compt. In the Workplace	115	20344.215		Zona Yang (NW)
Citizenship	202	22000.215		Jovana L.Vega (NWF)					
IET Compt. In the Workplace	115	20344.216		Zona Yang (NW)					
PERIOD 3 Monday/Wednesday/Friday 1:00 - 2:50 PM					PERIOD 3 Tuesday/Thursday 1:00 - 2:50PM				
Level	Room	Section	EL Grics	Teacher	Level	Room	Section	EL Grics	Teacher
Level	115	20345.315		Zona Yang (NW)	VESL/ESL for Career (196+)	203	20223.315		Tomnie Martinez (TTH)
VESL/ESL for Career (196+)	213	20223.316		Socorro Luna (NW)					
Citizenship	202	22000.315		Jovana L. Vega (NW)					
PERIOD 4 Monday/Wednesday 5:30 - 7:20PM (3 Hrs Classes)									
Level	Room	Section	EL Grics	Teacher	Level	Room	Section	EL Grics	Teacher
Beg. Lit-185 below	213	20010.417	5:20-8:20pm	Provenio (NW)	Beg. Lit-185 below	214	20010.416	5:20-8:20pm	Sally Rivera (TTH)
Beg. Low (186-195)	116	20010.418	5:20-8:20pm	Rosas, Ruben (TTH)	Beg. Low (186-195)	116	20010.419	5:20-8:20pm	Rosas, Ruben (TTH)
Beg High (196-205)	115	20050.415	5:20-8:20pm	Yang Mosa (NW)	Beg High (196-205)	213	20050.416		Socorro Luna (TTH)
Int Low (206-215)	104	20075.416		Yang Mosa (NW)	Int Low (206-215)	104	20075.415		Yang Mosa (TTH)
VESL/ESL for Career (196+)	203	20223.416		Tomnie Martinez (NW)	Int. High (216-225)	203	20100.415	5:20-8:20pm	Yang Mosa (TTH)
Citizenship	202	22000.416	5:20-8:20pm	Sally Rivera (TTH)	Citizenship	202	22000.415	5:20-8:20pm	Jovana Lopez Vega (TTH)
					IET Compt. Lit Multi Level	115	20200.115	5:20-8:20pm	Yesenia Madrid (TTH)
					IET Paraprofessional	201	20601.410		Zona Yang (TTH) 8/15-9/22

NOTE: Int. High in VESL/Any student in Beg.High and above may take VESL.



Legend: Placement Scores are color coded  
Line Green: On-Line

### ASE SCHEDULE PY 2023-2024

Class Start: 8/14/23 - 8/8/24

ABE/GED 8:30 - 10:20AM				PERIOD 1 (M-F & MWF)				ABE/GED 8:30-10:20AM				PERIOD 1 (TTH)			
Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher
ASE LA / <b>ESL Advance Scores</b>	215	10102.115	Erin Blesse (MWF)	ASE Aztec Lab-Math (basic skills LA/math)	105	10033.000	Cassandra Puga (T/TH)	ASE LA	215	10102.116	Erin Blesse (T/TH)	ASE Math Multi-Level	214	10030.116	Thomas Filer (T/TH)
ASE Math Multi-Level	214	10030.115	Thomas Filer (MWF)												
ASE Aztec All Subjects (ESL, Math, LA)	208	12717.110	Trang (M-F)												
ASE Aztec Lab (T/TH, Math, w/Highness)	208	10033.110	Trang (M-F) <b>READ ONLY</b>												
ASE Aztec Lab (basic skills Math & LA)	105	10033.111	Weimer (MWF)												
ASE Test Prep Spanish	222	12703.115	Sam Belman (MWF)												
ABE/GED 10:40 - 12:30PM				PERIOD 2 (M-F & MWF)				ABE/GED 10:40 - 12:30 PM				PERIOD 2 (TTH)			
Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher
ASE LA	215	10102.215	Erin Blesse (MWF)	ASE Math Lab 10:40-11:30	214	10105.201	Filer (TTH) <b>READ ONLY</b>								
ASE Math Multi-Level	214	10030.215	Thomas Filer (MWF)												
ASE Aztec All Subjects (ESL, Math, LA)	208	12717.210	Trang (M-F)												
ASE Aztec Lab (T/TH, Math, w/Highness)	208	10033.210	Trang (M-F)												
ABE/GED 1:00PM - 2:50PM				PERIOD 3 (M/W)				ABE/GED 1:00 - 2:50PM				PERIOD 3 Friday Only			
Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher
ASE Math Multi-Level	Online	10030.315	Houy Trang (MW)												
ABE/GED 5:30 - 7:20 PM				PERIOD 4 (MW)				ABE/GED 5:30 - 7:20PM				PERIOD 4 (M-TH)			
Class Start 8/12	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher	Class	RM	Section	Teacher
ASE LA / <b>ESL Advance Scores</b>	215	10102.415	Erin Blesse (MW)	ASE LA	215	10102.416	Moreno(TTH)	ASE LA	215	10102.416	Moreno(TTH)	ASE LA	215	10102.416	Moreno(TTH)
ASE Math Multi-Level	214	10030.416	Thomas Filer (MW)	ASE Math Multi - Level	217	10030.417	Puga, Cassandra(TTH)	ASE Math Multi - Level	217	10030.417	Puga, Cassandra(TTH)	ASE Math Multi - Level	217	10030.417	Puga, Cassandra(TTH)
ASE Test Prep Spanish	222	12703.415	Sam Belman (MW)	ASE Test Prep Spanish	222	12703.417	Manjarrez (TTH)	ASE Test Prep Spanish	222	12703.417	Manjarrez (TTH)	ASE Test Prep Spanish	222	12703.417	Manjarrez (TTH)
ASE LA	On-Line	10102.417	See Vang (MW)	ASE Math Multi-Level	Online	10030.415	Houy Trang (TTH)	ASE Math Multi-Level	Online	10030.415	Houy Trang (TTH)	ASE Math Multi-Level	Online	10030.415	Houy Trang (TTH)
ASE Aztec Lab (basic skills Math)	105	10033.4	Puga (MW)												
Reading ABE/GED PLACEMENT				Math ABE/GED PLACEMENT											
CASAS Scale				CASAS Scale											
(204 - 227) ABE Aztec Lab				(104 - 214) ABE Aztec Lab											
(228 - 248) ASE LA Multi Level				(215 - 236) ASE Math Multi Level											
(249+) ASE Aztec All Subjects				(237+) ASE Aztec All Subjects											
220+ ESL Scores for ASE LA															



Legend:  
Red - FAS/FCC Dual Enrollment

## CTE Schedule PY 2023-2024

Class start dates: August 14, 2023- June 6, 2024

Period 1 (M-F & MWF)				Period 1 (TTH)			
Class	Rm	Section	Teacher	Class	Rm	Section	Teacher
Food Safety & Processing	109	40602.1	Caha (M-F)	Food Safety & Processing	109	40602.1	Caha (M-F)
Paraprofessional	201	40435.1	Douangmala (MWF)	CIW	221/225	40659.1	Douangmala
Custodial Foundations	106	40618.1	Puente (M-TH)	Custodial Foundations	106	40618.1	Puente (M-TH)
Office Assistant Prep	224	40446.1	Guzman (sub) (MWF)	Office Technology & Leaders	224	40453.1	Guzman (sub)
Medical Terminology FCC	206	40542.1	Schlecht (MW)				
Computer Applications FCC	212		Nelson (MW)				
CNA Program	219/220	40540.1	Senatin (M-F)	CNA Program	219/220	40541/40541	Senatin (M-F)
LVN Program C33	207	405xx	Pritchard	LVN Program C33	207	405xx	Pritchard
LVN Program C34	204	405xx	Newell	LVN Program C34	204	405xx	Newell
Period 2 (M-F & MWF)				Period 2 (TTH)			
Class	Rm	Section	Teacher	Class	Rm	Section	Teacher
Food Service Tech	Grapevine	40604	Caha (M-F)	Food Service Tech	Grapevine	40604	Caha (M-F)
FCC Support			Douangmala (MW)	Office Interns	224	40444	Douangmala (TTHF)
Custodial Operations	106	40619	Puente (M-TH)	Custodial Operations	106	40619	Puente (M-TH)
Medical Math FCC	218	40549	Lozano (M)				
CNA Program	219/220	40540	Senatin (M-F)	CNA Program	219/220	40541	Senatin (M-F)
LVN Program C33	207	405xx	Pritchard	LVN Program C33	207	405xx	Pritchard
LVN Program C34	204	405xx	Newell	LVN Program C34	204	405xx	Newell
Period 3 (M-F & MWF)				Period 3 (TTH)			
Class	Rm	Section	Teacher	Class	Rm	Section	Teacher
Para Internship	201/offsite	40197	Douangmala (MW)				
CNA Program	219/220	40540	Senatin (M-F)	CNA Program	219/220	40540	Senatin (M-F)
LVN Program C33	207	405xx	Pritchard	LVN Program C33	207	405xx	Pritchard
LVN Program C34	204	405xx	Newell	LVN Program C34	204	405xx	Newell
Period 3B 4:00 - 5:45 pm				Period 3B 4:00 - 5:45 pm			
Class	Rm	Section	Teacher	Class	Rm	Section	Teacher
School Nutrition & Management	109	40603	Caha (MW)				
Custodial Foundations	106	40618.4	Yuenger (M-TH)	Custodial Foundations	106	40618.4	Yuenger (M-TH)
Period 4 (M-F & MWF)				Period 4 (TTH)			
Class	Rm	Section	Teacher	Class	Rm	Section	Teacher
Custodial Operations	106	40619.4	Yuenger (M-TH)	Food Safety & Processing	109	40602.4	Caha
Computers in the Workplace	221/225	40659.4	Palmer (MW)	Custodial Operations	106	40619.4	Yuenger (M-TH)
Anatomy & Physiology	online	40544.4	Parker (MW)	Paraprofessional	201	40435.4	Douangmala
				Medical Terminology FCC	219	40542.4	Parker (TTH)



## **Fresno Adult School Student Learning Outcomes**

School wide Learner Outcomes	Assessment Methods of Instruction
<b>Communication:</b> Applying literacy skills throughout the disciplines	Class presentations, community service, school wide essay contests, various EL Civics writing tasks, communication via the internet with teachers and students, etc.
<b>Critical Thinking:</b> Analyzing ideas historically, locally, and globally within a rigorous academic environment	Small group work explaining steps, showing how to do math problems, comparing and contrasting solutions, analyzing evidence in a text, writing an analysis for argument following CCSS format, etc.
<b>Citizenship:</b> Demonstrating knowledge of American democracy through civic engagement	Volunteering at oath ceremonies, volunteering at career fairs, participating in legislation day, participating in mock elections, attending immigration support rallies, engaging with political leaders as FAS student representatives, etc.
<b>Leadership:</b> Accomplishing tasks through social influence, integrity, and a variety of management skills	Participating in the FAS leadership classes, practicing career skills in internships and externships, creating media videos about the school, preparing for job interviews, applying to college, volunteering in the classroom, etc.



# Programs Offered


## PROGRAMS




**CAREER & TECHNICAL  
EDUCATION**




<b>Health Pathway</b> <ul style="list-style-type: none"> <li>■ Certified Nursing Assistant (CNA)</li> <li>■ Licensed Vocational Nursing (LVN)</li> <li>■ Medical Prerequisites               <ul style="list-style-type: none"> <li>• Medical Study Skills</li> <li>• Medical Terminology</li> <li>• Medical Math</li> <li>• Anatomy &amp; Physiology</li> </ul> </li> </ul> <b>Pre Apprenticeship</b>	<b>Information Technology</b> <ul style="list-style-type: none"> <li>■ Keyboarding</li> <li>■ Computers in the Workplace</li> <li>■ Microsoft Office 2010</li> <li>■ Internet and Computing Core Certification (IC3)</li> <li>■ Professional Office Assistant</li> </ul>	<b>Education</b> <ul style="list-style-type: none"> <li>■ Paraprofessional</li> </ul> <b>Service</b> <ul style="list-style-type: none"> <li>■ Food Service</li> <li>■ Custodial</li> <li>■ Head Custodian</li> <li>■ Groundskeeper</li> <li>■ School Bus Driver</li> </ul>
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**ADULT SECONDARY  
EDUCATION**




<b>High School Diploma</b> <ul style="list-style-type: none"> <li>■ Traditional</li> <li>■ Lab</li> </ul>	<b>High School Equivalency</b> <b>Test Preparation English / Spanish</b> <ul style="list-style-type: none"> <li>■ GED / TASC / HISET</li> </ul>	<b>Adult Literacy</b> <b>Adult Transition Program</b>
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**ENGLISH AS A  
SECOND LANGUAGE**



<b>(ESL) English as a Second Language</b> <b>Citizenship</b>	<b>Vocational English as a Second Language</b> <b>Computer Literacy</b>
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**COMMUNITY  
EDUCATION**



**CLASSES OFFERED**

<ul style="list-style-type: none"> <li>■ ANIMAL CARE</li> <li>■ ART &amp; CRAFTS</li> <li>■ BUSINESS &amp; CAREER READINESS</li> <li>■ COMPUTER EDUCATION</li> <li>■ CUISINE</li> <li>■ DANCE</li> </ul>	<ul style="list-style-type: none"> <li>■ FITNESS / HEALTH / WELLNESS</li> <li>■ LANGUAGE / FOREIGN LANGUAGE</li> <li>■ MUSIC</li> <li>■ PERSONAL / FINANCIAL INTEREST</li> <li>■ PHOTOGRAPHY</li> </ul>
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## LOCATIONS

### CÉSAR E. CHÁVEZ CENTER



#### Main campus for Fresno Adult School



■ CTE



■ HSD



■ HSE



■ ESL / Citizenship



■ Community Education

### VARIOUS LOCATIONS SATELLITE SITES



#### FUSD School Sites

■ ESL

■ High School Equivalency



#### Community Center Sites

■ ESL

■ High School Equivalency

■ Citizenship

### Fresno Adult School

2500 Stanislaus ■ Fresno, CA 93721

**Phone: (559) 457-6000**

**[www.fas.edu](http://www.fas.edu)**



**Fresno Unified School District**  
*Preparing Career Ready Graduates*



## REGISTRATION STEP-BY-STEP BY PROGRAM

- ENGLISH AS A SECOND LANGUAGE (ESL)
- CITIZENSHIP
- ADULT BASIC EDUCATION (ABE)
- HIGH SCHOOL EQUIVALENCY (HSE - GED, HISET)

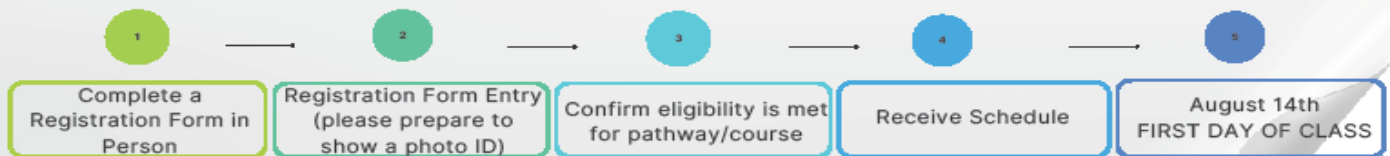


ALLOW 2-3 HOURS TO COMPLETE THE ONSITE REGISTRATION PROCESS



### CAREER TECHNICAL EDUCATION (CTE)

ALLOW 1-2 HOURS TO COMPLETE THE ONSITE REGISTRATION PROCESS



#### PLEASE NOTE:

- Children are not permitted in assessment areas.
- Please be prepared with your email address and photo ID in order to complete the registration process at Fresno Adult School.

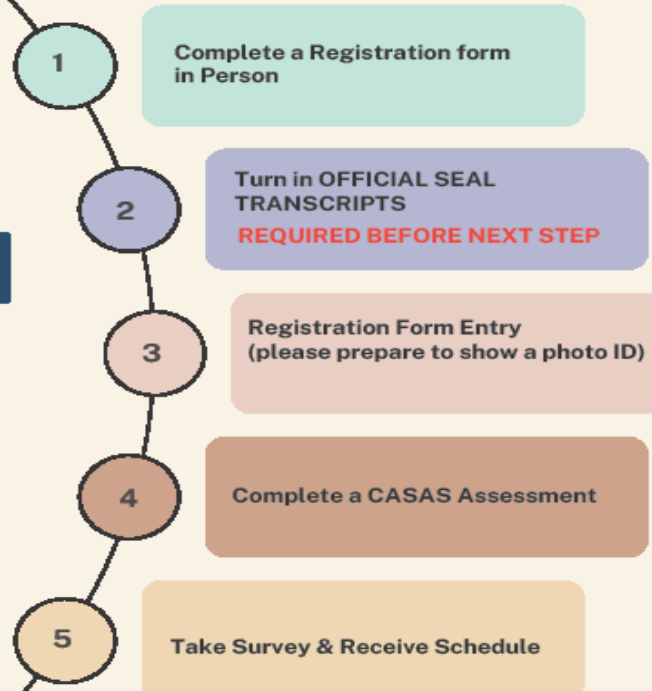
## HIGH SCHOOL DIPLOMA (HSD)

### Registration Step-by-Step

ALLOW 2-3 HOURS TO COMPLETE THE ONSITE REGISTRATION PROCESS



Fresno Unified School District



**August 14 - FIRST DAY OF CLASS**

#### NOTE:

- Children are not permitted in assessment areas.
- Please be prepared with your email address and photo ID in order to complete the registration process at Fresno Adult School.



## CAREER & TRANSITION CENTER

The Career & Transition Center provides a place for Fresno Adult School students to study, use computers, and meet with partners providing transition services. You can find the following services provided at the center:

- TRANSITION PLANNING FOR COLLEGE, CAREER, AND TRAINING PROGRAMS
- FRESNO CITY COLLEGE INFORMATION
- COLLEGE APPLICATION ASSISTANCE
- FINANCIAL AID APPLICATION ASSISTANCE
- BUDGETING EDUCATION COSTS
- EXPLORE OPPORTUNITIES FOR TRAINING PROGRAM SPONSORSHIP/SCHOLARSHIPS
- CITIZENSHIP INFORMATION
- JOB READINESS ASSISTANCE:
  - Career Exploration
  - Resume Development
  - Job Search Skills
  - Interview Preparation
  - Soft Skills Training

**Our partners continue to serve our students in-person and online. Use the info links on the slide below for more information including presentations, workshops, and other opportunities.**

**Services provided through Fresno Adult School are in collaboration with the following partnerships: State Center Adult Education Consortium (SCAEC), Fresno City College, Workforce Connection, Teaching Fellows, Department of Rehabilitation, Department of Social Services, and**





## Operation Schedules

### CAREER & TRANSITION CENTER SCHEDULE ROOM 114

<b>COLLEGE &amp; TRANSITION SUPPORT</b>	
<b>State Center Adult Education Consortium</b>  Thursdays, 9:00AM – 4:00PM  Oscar Hinojosa <a href="mailto:Oscar.h@statecenter.com">Oscar.h@statecenter.com</a> (559) 545-8312	Services : <ul style="list-style-type: none"> <li>• Preparing for plans after completing your program.</li> <li>• Exploring potential careers</li> <li>• Vocational training programs search</li> <li>• Assistance with college and financial aid applications</li> </ul>
<b>Fresno City College</b>  Tuesdays, 9:00AM – 12:00pm (bi-weekly)  Lisa Vincent <a href="mailto:Lisa.vincent@fresnocitycollege.edu">Lisa.vincent@fresnocitycollege.edu</a> (559) 442-8225	Services: <ul style="list-style-type: none"> <li>• College application assistance</li> <li>• Fresno City College Questions</li> <li>• College orientation and registration information.</li> </ul>
<b>Fresno State/Trio</b>  Monday, 8:30AM – 12:00PM  Veronica Vargas <a href="mailto:vvargas@csufresno.edu">vvargas@csufresno.edu</a> (559) 349-6064	Services: <ul style="list-style-type: none"> <li>• Preparing for plans after completing your program</li> <li>• Exploring potential careers</li> <li>• Vocational training program search</li> <li>• Assistance with college and financial aid application</li> </ul>
<b>CAREER SUPPORT</b>	
<b>Workforce Connection</b>  (TBD)  Annette Watkins <a href="mailto:annettew@wfc.co">annettew@wfc.co</a> (559) 545-8312	Services: <ul style="list-style-type: none"> <li>• Program and orientation information</li> <li>• Job search and readiness skills</li> <li>• Training program sponsorship</li> </ul>
<b>SOCIAL SERVICES</b>	
<b>Department of Rehabilitation</b>  (TBD)  Aurelio Mendoza <a href="mailto:Aurelio.mendoza@dor.ca.gov">Aurelio.mendoza@dor.ca.gov</a> (559) 445-6230	Services: <ul style="list-style-type: none"> <li>• Services and advocacy to gain employment and independent living for individuals with disabilities.</li> </ul>
<b>CVIIC</b>  Tuesday and Thursday 11:00am to 4:00pm  Eleazar Valdez <a href="mailto:Eleazar.cviic@gmail.com">Eleazar.cviic@gmail.com</a> (559) 492-9795	<ul style="list-style-type: none"> <li>• Immigrations services.</li> </ul>



## Admin Schedules:

	Monday	Tuesday	Wednesday	Thursday	Friday
Rodney Branch – Principal	12:00pm – 8:30pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm
Keda Buttles – Vice Principal	8:00am – 5:00pm	8:00am – 5:00pm	12:00pm – 8:30pm	8:00am – 5:00pm	8:00am – 5:00pm
Teresa Zamora – Vice Principal	8:00am – 5:00pm	12:00pm – 8:30pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm
Gary Schlueter – Vice Principal	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	12:00pm – 8:30pm	8:00am – 5:00pm
Cornell Cotton - Counselor	10:00am – 7:00pm	10:00am – 7:00pm	09:00am – 6:00pm	09:00am – 6:00pm	8:00am – 5:00pm
Clarissa Banuelos – Counselor	9:00am – 6:00pm	09:00am – 6:00pm	10:00am – 7:00pm	10:00am – 7:00pm	8:00am – 5:00pm
Mai Her – Project Manager	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm
Ana M Bustamante – Office Manager	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm
Tamara Neely—Director PL	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm	8:00am – 5:00pm

### Color Code

- Administrator Morning Duty
- Administrator Night Duty

## Hours of Operation:

	Monday	Tuesday	Wednesday	Thursday	Friday
Main office – Information Desk	7:30am – 8:00pm	7:30am – 8:00pm	7:30am – 8:00pm	7:30am – 8:00pm	7:30am – 5:00pm
Main Office— Enrollment	8:30am – 5:30pm	8:30am – 5:30pm	8:30am – 5:30pm	8:30am – 5:30pm	8:30am – 12:00pm



## Fresno Adult School Daily Schedule & Teacher Prep

Campus Hours: 7:30am-8:00pm

Teacher Start Time Varies Depending on Schedule/7 Hour Duty Day for 1.0 FTE

Full Time Teachers	Instructional Minutes	Prep Time	Total
8:30am to 8:00pm	330	55	420 Minutes
Part-time Hourly Teachers	Instructional Minutes	Prep Time	
7:00am – 8:00pm (Varies)	Varies – Not to exceed 198 minutes	5min per 55 taught Total prep 18 min	216 minutes



# FRESNO UNIFIED SCHOOL DISTRICT ACADEMIC CALENDAR SCHOOL YEAR 2023-2024

**BOARD ADOPTED**  
**February 2, 2022**  
\*Deletions from the calendar require Board Approval

**TEACHER INSTITUTE DAYS**

August 10 & 11

**DISTRICT BUYBACK DAYS**

August 9, 2023  
October 9, 2023  
March 4, 2024

**INSTITUTE & BUYBACK  
DAYS ARE  
NON-STUDENT DAYS**

**VACATION & HOLIDAYS**  
Independence Day: July 4  
Labor Day: Sept. 4  
Veterans' Day: Nov. 10  
Thanksgiving: Nov. 20-24  
Winter Break: Dec. 18-Jan. 5  
M.L. King, Jr. Day: Jan. 15  
Lincoln's Birthday: Feb. 12  
Presidents' Day: Feb. 19  
Spring Break: March 25-Apr. 1  
Memorial Day: May 27  
Independence Day: July 4, 2024

**HOLIDAYS FOR CLASSIFIED  
PERSONNEL**

2023: July 4, Sept. 4, Nov. 10,  
Nov. 23 & 24, Dec. 25 & 26,  
2024: Jan. 1, Jan. 15, Feb. 12,  
Feb. 19, March 29, May 27, July 4

**Board of Education Meetings**

FUSD Education Center  
400 E. Lake Street, 2<sup>nd</sup> Floor  
Board Meeting: April 2024  
CA Day of the Teacher: May 3, 2024  
Classwide Employee Meet: May 20-26, 2024

JULY 2023						
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AUGUST 2023						
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SEPTEMBER 2023						
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OCTOBER 2023						
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						21

 HOLIDAY  INSTITUTE DAY  NOT IN SESSION  BUYBACK DAY

BLACK FIGURES DENOTE DAYS SCHOOL WILL BE IN SESSION  
RED FIGURES DENOTE NON-STUDENT DAYS WHEN SCHOOL WILL NOT BE IN SESSION

NOVEMBER 2023						
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DECEMBER 2023						
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JANUARY 2024						
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FEBRUARY 2024						
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MARCH 2024						
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APRIL 2024						
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MAY 2024						
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JUNE 2024						
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JULY 2024						
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30	31					
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Visit us on the web  
[www.fresnouunified.org](http://www.fresnouunified.org)

**SCHOOL BEGINS**  
**August 14, 2023**  
**SCHOOL ENDS**  
**June 6, 2024**

Elementary & Secondary  
Reporting Periods

Oct. 6.....Period 1 ends (39 days)  
Dec. 15.....Period 2 ends (43 days)  
Mar. 15.....Period 3 ends (46 days)  
Jun. 6.....Period 4 ends (52 days)

**REPORT TO PARENTS**

Sept. 11-15.....1<sup>st</sup> Progress Notice  
Oct. 10-20.....1<sup>st</sup> Report Card  
(Elementary/Parent Conferences)  
Nov. 1-9.....2<sup>nd</sup> Progress Notice  
Jan. 8-12.....2<sup>nd</sup> Report Card  
Feb. 8-16.....3<sup>rd</sup> Progress Notice  
Mar. 15-22.....3<sup>rd</sup> Report Card  
May 2-8.....4<sup>th</sup> Progress Notice  
June 6.....4<sup>th</sup> Report Card

**END OF SEMESTER DATES  
ELEMENTARY & SECONDARY**

Dec. 15 (82 days)  
June 6 (98 days)

**STANDARDIZED TESTING  
WINDOW**

State Testing  
April 2 - June 6

Traditional School Year - 180 teaching days and 5 non-student days



### **Roles and Responsibilities**

<b>Rodney Branch</b>	<b>Principal</b>
<b>Keda Buttles</b>	<b>VP - ASE, GED, HISET, ATP.</b>
<b>Gary Schlueter</b>	<b>VP - CTE, CE</b>
<b>Teresa Zamora</b>	<b>VP - ESL, Citizenship.</b>
<b>Cornell Cotton</b>	<b>Acad. Counselor</b>
<b>Clarissa Banuelos</b>	<b>Acad. Counselor</b>
<b>Mai Her</b>	<b>Project Manager - AC/Enrollment</b>
<b>Tamara Neely</b>	<b>Director of Classified Professional Learning</b>
<b>Ana Bustamante</b>	<b>Office Manager IV</b>

### **Instructional Leadership Team (ILT)**

**Erin Blesse—ASE**

**Phonekham Douangmala—CTE Service Areas**

**Socorro Luna—ESL**

**Jovan Lopez-Moreno—Citizenship**

**Sarah Prichard—CTE Patient Care**



## **Staff Meetings**

Whole staff meetings (huddles) will be scheduled as needed throughout the year primarily on Fridays, Certificated staff meetings will be scheduled throughout the year primarily on Thursdays, and Department meetings will be scheduled throughout the year and days will vary by department, but all staying within the bounds of the use of 45 hours of after school time over the course of the school year as agreed upon in the CBA waiver. Admin will do the best they can to schedule these meetings in advance, placing them on the school wide Outlook calendar and weekly bulletin, but “emergency” meetings may occur if the need arises.

## **Staff Meeting Norms**

### **ACHIEVE – To Succeed!**

#### **A**ctivity

- Accountable Community Meeting

#### **C**onversation

- Elbow partners can talk to each other in a voice level of 1 on the topic at hand.
- Please be mindful of AC Norms to focus on student learning.
- Cell phones off, no texting, on vibrate only in emergencies.

#### **H**elp

- Please raise your hand if you have a question.
- Use Parking Lot for questions, suggestions, etc...

#### **I**ntegrity

- Collaboration is encouraged at 10:2 (10 min speaking/presenting:2 min collaborating) and/or at natural breaks.
- Coping from colleagues is encouraged.

#### **E**ffort

- Feel free to move about the room to take care of your personal and professional needs.

#### **V**alue

- The exploration of ideas during discussion activities will increase our capacity to create and/or sustain college and career ready graduates.

#### **E**fficiency

- Be on time, sign in, stay the whole time, active listening, contribution to subject matter team.



## **Classroom Environment**

**Weekly Lesson Plans** should be prepared and readily available in the classroom or inform administration of location (i.e. One Drive that can be accessed by those in your Accountable Community). Plans must be complete enough that a substitute teacher can follow the plans.

**Objectives** are content standards based, grade appropriate, considers DOK levels and are presented to students daily throughout lesson.

**Physical Environment** must provide a safe, positive, and organized space for students to learn.

**Class Schedule** (current) must be posted.

**Emergency Sub Plans** – please create 3 days of emergency sub plans with masters of materials that would have to be copied. Please complete the substitute lesson plan template for each. Due to Department Administrator.

## **Staff Responsibilities and Expectations**

- Teacher duty day for full time teachers: See chart below
- Teach start to end of period.
- Be on time:  
     **Begin instruction immediately at the start of the period.**  
     **To PLCs, Staff development and staff meetings (CSTP 6.7)**
- Be an active and positive contributor to all staff meetings. (CSTP 6.3)
- Engage in a professional manner with students at all times (CSTP 6.7)
- Do not leave students **unsupervised** at any time in your room, in the Library, etc. (CSTP 6.7)
- **Students are not to be left with classified or volunteer personnel.**
- If you are running late or need to leave early, please notify administration and/or office staff immediately. (CSTP 6.7)
- Plan to attend all staff meetings and in-services. Appointments should be made on other days.
- Please submit 3 consecutive days of sub plans to your department administrator for an emergency situation. (CSTP 6.6, 6.7)
- Check mailboxes before and after school.
- Check email before and after school.
- **Students are not allowed in the staff lounge or workroom. (CSTP 6.7)**
- Stand at your door during passing periods greeting and encouraging students to get to class on time.
- Do not allow students out of class early for any reason.



## Staff Communications

Staff communications will be provided through the District email system. Staff is required to check their email, before and after school to ensure they are up-to-date on recent site developments. There is also a monthly campus communication that will be emailed out with information. It is essential that you are up to date on what is happening on campus to ensure we are all in the know and on the same page.

## Sign – In/Out and Off Campus Protocol

All staff members are expected to notify the office manager when off campus during the duty day. Please alert the office manager via email if you plan to be off campus during your prep period. This is to ensure you can be found in case of an emergency.

## Parking and Gate Protocol

When arriving to school, you may park in the staff parking lot with an entrance on Tuolumne; make sure that you are in an actual parking spot. This gate is locked at all times and key cards will need to be scanned in order to be granted access to the parking lot. In the event that this lot is full, there is an overflow parking lot on “O” street where you are able to park. There is a key code that must be entered in order to be granted access to this lot. Staff are **NOT ALLOWED** to park in the student parking lot as that area is specifically designated for students. Staff and student safety is a top priority and we want to ensure all are safe while on campus. **Vehicles** are only to be parked in designated parking spots, not on grass or other school property. In the event you have items to load or unload, please ask for a cart or assistance.

## Visitors on Campus

**For the safety of our students and staff, all visitors, must report to the school office to sign in and get a visitor’s pass. Visitors must return the visitor’s pass at the end of the visit.** We take our student’s safety seriously and we want to be sure that we know all adults who are on the campus. Parents/guardians, family members, or community members attending special functions must get a visitors pass. Volunteers must have a visitor’s pass.

## Minors on Campus

It is not permissible for staff or students to have children under the age of 18 on campus due to insurance liability. Special permission can be granted by an administrator on a case by case basis if the parent/guardian is present.

DPI Meetings have special permission to have children on campus when accompanied by their parent or guardian.



# Positive Support Plan for Behavior Expectations

## Discipline Policy

All classrooms support the school wide discipline policy. However, each individual teacher must design a separate discipline management system that is most relative to the needs of your individual classroom and which follows the teachings of the Safe and Civil Schools program. The individual classroom plans should provide systems that give each student an opportunity to make positive choices. Classroom plans should work to help students learn from their mistakes in order to avoid repeating them in the future.

Your classroom discipline management system must be used consistently and as objectively as possible. In order for students to be held accountable for their choices they must know what their choices are daily and consistently.

The philosophy of our discipline policy is to help students learn to make positive choices. Generally, we will impose the least severe consequences necessary to help students to learn from their mistakes. However, when students exhibit behaviors which demonstrate a pattern of being defiant, disruptive, or become a danger to other students as well as to themselves, more formal procedures must be put into place.

## Procedure for Refusal to Follow Directions:

1. **Teacher provide a single, clear, specific, immediate reasonable direction\***
  - a) Remind student of behavior expectation in a calm and concise manner.
  - b) Have student demonstrate/practice the expected behavior.
  - c) Example: "Please do not shout out in class. Wait for your name to be randomly selected."
2. **Repeat the direction**, but indicate the seriousness of the choice s/he is about to make.
  - a) Without creating embarrassment or a confrontation, reiterate the direction in close proximity to the student. Using space proximity or changing your area of instruction may diffuse misbehavior.
  - b) Avoid intimidating body language or standing over the student. Give the directive and give them space.
3. **Restate quietly to the student as you are writing** the exact conversation and actions that occurred between you and the student. If the student complies implement an in-class consequence, if the student refuses, document on appropriate step on Student Behavior Document (SBD), using teacher judgment decide if it is a Level 1, 2, or 3 behaviors. Level 3 behaviors need to be referred to an administrator.

(\*If the student complies then stop; if the student does **not** comply then move to the next step.)

**Remember, your goal is to teach the student and keep them in class, the student's goal may be to get out of class.**



## **ASAP Logging vs. ASAP Blogging**

It is vital that teachers and staff who have access to student ASAP accounts to ensure that all entries are professional. ASAP notes can be used for disciplinary hearings, court cases and other legal matters. Issues to consider:

1. Logs can be used for court cases and present an accurate or false presentation of the student's true demeanor, behavior and potential
2. If entered unprofessionally, logs can create a confusing pictures of actions taken by both the student and teachers.
3. Logs can be used to unfairly "red flag" students, which may cause future teachers to have hostile and/or defensive dispositions towards the student
4. Logs entered unprofessionally can present a view that teachers are acting unfairly against the student.
5. Parents have the right to access all logs entered about their student.

### **ORO: OBJECTIVE, RESPONSE, OUTCOME**

When entering notes:

**Be Subjective**-Simply state what happened. Refrain from using explosive language or words loaded with emotion.

**Explain Your Response**-State what you did in response to the student's behavior. What strategy did you employ to bring the behavior to extinction?

**Outcome**-What was the outcome of your interaction(s) with the student. If a referral to the office was necessary, explain why.



# **FRESNO ADULT SCHOOL DRESS CODE POLICY**

The focus and intent of Fresno Adult School is to best prepare students for success in their everyday life, through academics, vocational training, or a combination of the two. Fresno Adult School requires that all students maintain personal grooming standards which are appropriate for school and work. A productive learning environment leads to a productive working environment. Administration appreciates the uniqueness and individuality of the student, yet can also see the need for student conformity to job site standards. A student will not be prevented from attending school or a school function, as long as his or her dress and appearance follow the guidelines of the dress code policy and comply with established health and safety requirements. Dress code policy applies equally to everyone.

There are two areas of policy:

## **ALL DRESS CODE RULES APPLY TO EVERYONE**

All clothing must be clean and worn as intended, with consideration and respect for the entire student body and staff. Any attire that disrupts the educational process is strictly prohibited.

The following items are EXAMPLES of inappropriate or disrespectful clothing:

- Tank tops with enlarged arm holes, tube tops, halter-tops, revealing necklines, and torn or radically altered clothing.
- All see-through apparel and any attire that exposes private body parts, the midriff (gap between shirt and pants/jeans) or any part of an undergarment (including underwear showing above pants and jeans) .
- Dresses, skirts, and shorts that reveal undergarments and/or private body parts.
- Attire with lettering or drawings that depict;
  - ◊ sexually suggestive expressions or actions, profanity, obscenity, drug, alcohol, tobacco, or degrades the integrity of the individual or others.
  - ◊ Racial, gender or religious slurs.

## **MAINTAINING A SAFE AND SECURE ENVIRONMENT**

The following items are not acceptable in the building, classroom, or offices:

- Attire which could be used as a weapon, such as steel-toed boots, chains, items with spikes or studs.
- Apparel or accessories that show gang-related symbols or insignias, including tattoos.
- Sunglasses and hats (classrooms and offices).

The following items are necessary daily:

- Shoes must be worn on campus and at school functions at all times.

## **CONSEQUENCES FOR DRESS CODE VIOLATIONS**

- Student will be advised by teacher on first offense, and referred to administration if necessary.
- Student will be referred to a school administrator for second offense, which could result in disciplinary action, and suspension from Fresno Adult School.



# Procedures

## New Teacher Support References

<b><u>Type of Support Needed:</u></b>	<b><u>Whom to Seek Support From:</u></b>
<b>Keys</b>	<b>Office Manager (Main Office)</b>
<b>Copy Code</b>	<b>Office Manager (Main Office)</b>
<b>Mailbox</b>	<b>Front Desk Staff (Main Office)</b>
<b>Curriculum Check in/out</b>	<b>Department Administrator (Main Office)</b>
<b>Curriculum Support</b>	<b>Lead Teacher (Varies by Department)</b>
<b>ASAP Login</b>	<b>Office Manager (Main Office)</b>
<b>ASAP Attendance</b>	<b>Sylvia Sanchez (Main Office)</b>
<b>ASAP Teacher Support / Attendance/ Roster</b>	<b>Thoua Lee (Student Resource Room)</b>
<b>TOPS Updates</b>	<b>Project Manager</b>
<b>Technology Check in/out</b>	<b>Tech Department</b>
<b>Technology Support</b>	<b>Tech Department (HEAT Ticket)</b>
<b>Supplies</b>	<b>Department Administrator</b>
<b>CASAS Testing</b>	<b>Project Manager</b>
<b>Absence Reporting (Staff)</b>	<b>Office Manager</b>
<b>Payroll/Timesheets</b>	<b>Office Manager</b>



## Emergency Cards

Emergency cards are given to students by teachers at the start of their course. Encourage students to return their emergency cards. You never know when you will need to use it in the event of an emergency.

The emergency cards are to be alphabetized and must have student ID numbers on them. Turn in Emergency Cards to the main office – info desk the same day that you receive them. ASAP will be updated as emergency cards are received.

There are two different versions of emergency cards: one type for Adult Students (varies by color) and one type for High School students.

**Yellow = High School Students**

**Pink = ASE students**

**Green = ESL Students**

**Blue = CTE Students**

### ADULT STUDENT E-CARDS

Program & Site \_\_\_\_\_

**ILLNESS AND ACCIDENT PROCEDURE CARD**

Student is currently enrolled in \_\_\_\_\_ teacher/room/period/days \_\_\_\_\_ teacher/room/period/days

Student Name - Last, First, Middle \_\_\_\_\_ Social Security Number \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_ Home phone \_\_\_\_\_

Date of birth: \_\_\_\_\_ Car License Plate Number \_\_\_\_\_

**IN CASE OF SUDDEN ILLNESS OR ACCIDENT, PLEASE NOTIFY:**

Name \_\_\_\_\_ Relationship: \_\_\_\_\_ Phone \_\_\_\_\_ home # \_\_\_\_\_ work # \_\_\_\_\_

Name \_\_\_\_\_ Relationship: \_\_\_\_\_ Phone \_\_\_\_\_ home # \_\_\_\_\_ work # \_\_\_\_\_

I understand that, if emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called. I realize the school district cannot assume responsibility for the payment of medical fees for expenses incurred. I understand that it is my responsibility to inform the school of any changes regarding the information on this form.

Student Signature \_\_\_\_\_

(OVER)

FRESNO ADULT SCHOOL

### HIGH SCHOOL CONCURRENT STUDENT E-CARDS

Student Emergency Card

**COMPLETE BOTH SIDES OF THIS CARD**

Student ID: \_\_\_\_\_ Grade: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**IN CASE OF ILLNESS OR ACCIDENT CONTACT:**

1. Name of Mother: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

2. Name of Father: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

3. Name of Guardian: \_\_\_\_\_ Home Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

4. Additional Contact: \_\_\_\_\_ Relationship \_\_\_\_\_ Phone: \_\_\_\_\_

5. Additional Contact: \_\_\_\_\_ Relationship \_\_\_\_\_ Phone: \_\_\_\_\_

If an emergency should arise which requires immediate medical attention and we, as parents/guardians cannot be contacted, you are authorized to take whatever steps are needed to protect the health of this child. ☐ Yes ☐ No

I understand that if an emergency medical or dental treatment is needed and the listed emergency contacts cannot be reached, 911 will be called. I realize the school district cannot assume responsibility for the payment of medical fees or expenses incurred, including the cost of emergency transportation. I understand and agree that the District, its officers, and its employees assume no liability of any nature in relation to the emergency transportation of my child. I also agree that the principal/designee may transport my child between school and home when, in his/her discretion, it is deemed necessary.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Grade Book/Lesson Plan/Attendance Procedures

## Entering Grades in ATLAS (High School Concurrent Only)

Grade books should be updated in a timely manner with at least one assignment per week. Your grade book must be available to substantiate your grades for a student if necessary. Administrators may review grade books from time-to-time.

Grades may be derived from any of the following:

- Class participation
- Homework completion
- Projects
- Reports
- Assessments (formal and informal)
- Oral reports

## Progress Reports

Progress reports (specific dates from department administrator) should be given out at minimum of at least once a quarter

## Accountable Community Lesson Planning Calendars

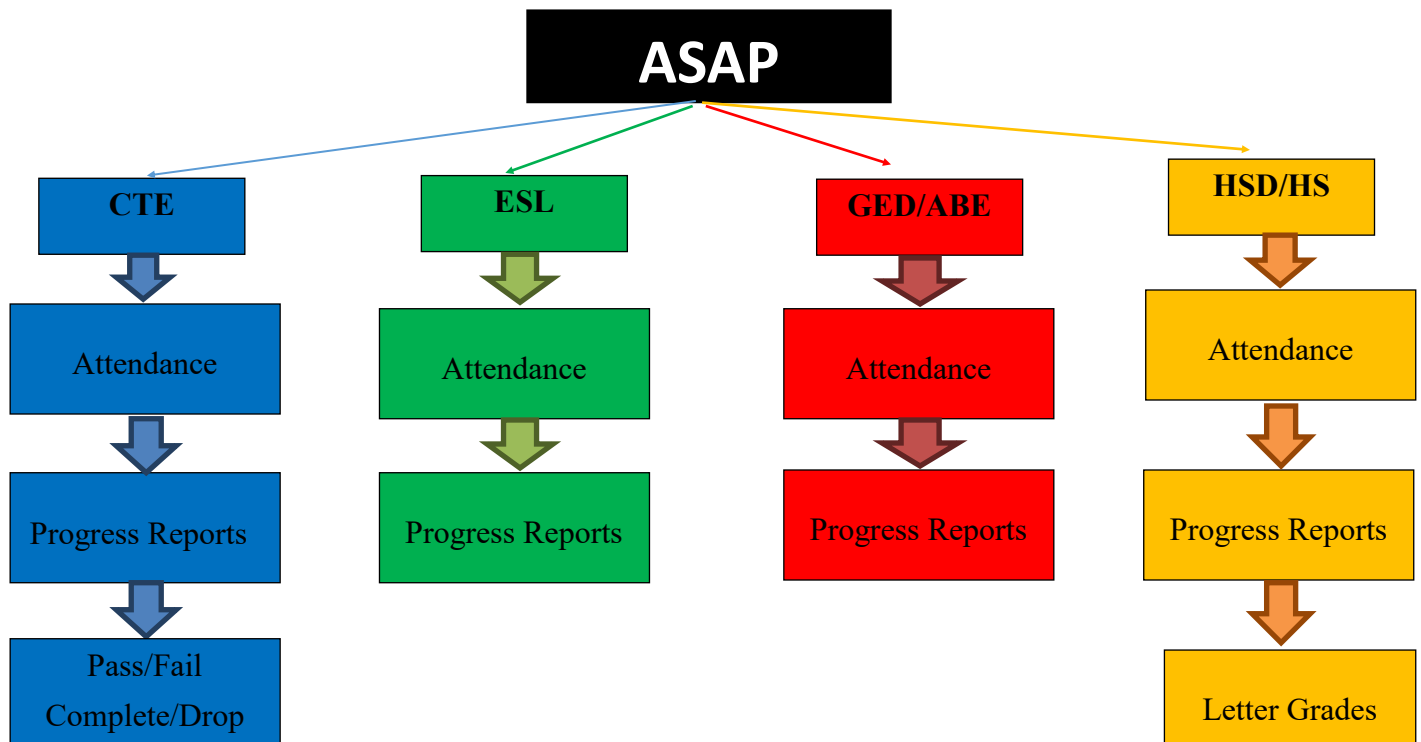
Easily accessible weekly lesson plans that are grade level/subject appropriate and standards based are required from all teachers/accountable communities. **Lessons** must include: Objective, instruction aligned to objective, assessment piece and planned closure.

## Grading/Attendance Guidelines

The standard grading policy will be based on department specific guidelines. Please see your department chair for further information.

## Dropping Students

It is the teacher's responsibility to drop students in ASAP after they are not in attendance anymore (see attendance policy for more details).






# TOPS UPDATES — December 2022

1. Go to your class Detail Page and SELECT Manage CASAS TOPS:

**ESL Intermediate High**  
20100.105



When: Tuesday, Wednesday, Thursday 08:30 AM-03:00 PM  
8/17/2020 - 6/10/2021  
FY 2020

Where: ONLINE, Fresno Unified School District/Fresno Adult School

Who: [Redacted]  
Status: Active - Visible  
Credential: No  
Fees: 1098  
Eligible:

Capacity: 120, Min: 20  
Enrolled: 46  
Completed: 0  
Pending: 0  
Waitlisted: 0  
Drop/Transfer: 110  
Drop-In: 0

I want to: -- Select --  
-- Select --  
Manage CASAS TOPS (circled in red)

Class Actions: Split class, View class media, View links to online registration

Attendance Options: [Dropdown]

	Actions	LastName	FirstName	Phone	Status	Paid	Email
1.	Action	[Redacted]		5596016558	ENROLLED	0.00	[Redacted]
2.	Action	[Redacted]		558527766	ENROLLED	0.00	[Redacted]

2. Look for students with no Update completed and SELECT UPDATE:

Class Test Score

entID	Student Name	Enrollment Status	Total Attendance Hours (Regular)	Action	Status	Test Scores
296	[Redacted]	ENROLLED	5.66	<a href="#">Update</a>	<input type="checkbox"/>	<a href="#">Test Scores</a>
489	[Redacted]	COMPLETED	21.96	<a href="#">Update</a>	<input checked="" type="checkbox"/>	<a href="#">Test Scores</a>
179	[Redacted]	ENROLLED	9.32	<a href="#">Update</a>	<input type="checkbox"/>	<a href="#">Test Scores</a>

3. Program Status: Leave Program Status Blank unless No show or less than 12 hours.
4. Progress: Leave Progress Blank

**Student Info**

Student No. [Redacted]  
Student ID 9358793  
Address 4092 n chestnut ave apt 113  
City Fresno  
State [Redacted]  
Zip Code 93726  
Home Phone 5596016558  
Date of Class Update: 6/7/2021  
HS Credits: 0.00

Program Status (Mark one):  
Progress (Mark highest):

None Retained Left No Show or did not attend at least 12 hours  
None Progressed Completed Advanced



## 5. Services Rendered: Check all that apply

**Services Received:**

Services	Career	Rehabilitation
<input type="checkbox"/> Check All	<input type="checkbox"/> Check All	<input type="checkbox"/> Check All
<input type="checkbox"/> Supportive	<input type="checkbox"/> Basic	<input type="checkbox"/> Voc. Rehabilitation
<input type="checkbox"/> Training	<input type="checkbox"/> Individualized	<input type="checkbox"/> Voc. Rehabilitation and employment
<input type="checkbox"/> Transition	<input type="checkbox"/> Information only	
	<input type="checkbox"/> Follow up	
	<input type="checkbox"/> Self-service	

## 6. Learner Results: Check all that apply

**Learner Results (Mark all that apply):**

Check All	Education	Transcript or Report Card	Family / Community
<input type="checkbox"/> Check All	<input type="checkbox"/> Check All	<input type="checkbox"/> Check All	<input type="checkbox"/> Check All
<input type="checkbox"/> Got a job	<input type="checkbox"/> Passed GED	<input type="checkbox"/> Secondary	<input type="checkbox"/> Increased involvement in children's education
<input type="checkbox"/> Increased Wages	<input type="checkbox"/> Passed HSET	<input type="checkbox"/> Postsecondary	<input type="checkbox"/> Increased involvement in children's literacy activities
<input type="checkbox"/> Retained job	<input type="checkbox"/> Passed TASC	<input type="checkbox"/> Enrolled in secondary program	<input type="checkbox"/> Met other family goal
<input type="checkbox"/> Got a better job	<input type="checkbox"/> Earned high school diploma	<input type="checkbox"/> Entered college	<input type="checkbox"/> Met personal goal
<input type="checkbox"/> Met work-based project goal	<input type="checkbox"/> Returned to K-12	<input type="checkbox"/> Transitioned to credit (transfer)	<input type="checkbox"/> Obtained perm. residence
<input type="checkbox"/> Entered job training	<input type="checkbox"/> Gained computer or tech skills	<input type="checkbox"/> Transitioned to credit (non-transfer)	<input type="checkbox"/> Attained U.S. citizenship
<input type="checkbox"/> Entered training program	<input type="checkbox"/> Completed course	<input type="checkbox"/> Attained credential	<input type="checkbox"/> Achieved U.S. Citizenship skills
<input type="checkbox"/> Training milestone	<input type="checkbox"/> Mastered course competencies	<input type="checkbox"/> Entered graduate studies	<input type="checkbox"/> Registered to vote or voted for first time
<input type="checkbox"/> Entered apprenticeship	<input type="checkbox"/> Earned certificate	<input type="checkbox"/> Attained post graduate degree	<input type="checkbox"/> Increased involvement in community activities
<input type="checkbox"/> Entered military	<input type="checkbox"/> Education achievement	<input type="checkbox"/> Occupational skills licensure	<input type="checkbox"/> Other family outcome
<input type="checkbox"/> Acquired workforce 1 _____ h	<input type="checkbox"/> Skills progression	<input type="checkbox"/> Occupational skills certificate	<input type="checkbox"/> Other community outcome
<input type="checkbox"/> Reduced public assistance		<input type="checkbox"/> Occupational certifications	
<input type="checkbox"/> Other work outcome		<input type="checkbox"/> Other recognized diploma, degree or certificate	

Leading To Postsecondary Credential Or Enrollment: ☐ Enrolled in education program ☐ Enrolled in training program

Post Exit Leading To Postsecondary Credential Or Enrollment: ☐ Enrolled in education program ☐ Enrolled in training program

## 7. Reason for Exiting: Leave Blank *NOTE: Leave Blank unless you know student got a job, then you can select: Got a Job*

**Reason for Exiting:**

**Instructional Level:**

☒ 0 None  
 ☐ 1 ESL-BegLit - ABE-BegLit  
 ☐ 2 ESL-BegLow - ABE-Begin  
 ☐ 3 ESL-BegHigh - ABE-IntLow  
 ☐ 4 ESL-IntLow - ABE-IntHigh  
 ☐ 5 ESL-IntHigh - ABE-ASELow  
 ☐ 6 ESL-Adv - ABE-ASEHigh  
 ☐ 7 ESL-Compl - ASE-Compl

## 8. Instructional Level: Please mark student's instructional level—the level of the class they are enrolled in currently (your current class).

**Reason for Exiting:**

**Instructional Level:**

☒ 0 None  
 ☐ 1 ESL-BegLit - ABE-BegLit  
 ☐ 2 ESL-BegLow - ABE-Begin  
 ☐ 3 ESL-BegHigh - ABE-IntLow  
 ☐ 4 ESL-IntLow - ABE-IntHigh  
 ☐ 5 ESL-IntHigh - ABE-ASELow  
 ☐ 6 ESL-Adv - ABE-ASEHigh  
 ☐ 7 ESL-Compl - ASE-Compl

## 9. Don't forget to save changes.

**Reason for Exiting:**

**Instructional Level:**

☒ 0 None  
 ☐ 1 ESL-BegLit - ABE-BegLit  
 ☐ 2 ESL-BegLow - ABE-Begin  
 ☐ 3 ESL-BegHigh - ABE-IntLow  
 ☐ 4 ESL-IntLow - ABE-IntHigh  
 ☐ 5 ESL-IntHigh - ABE-ASELow  
 ☐ 6 ESL-Adv - ABE-ASEHigh  
 ☐ 7 ESL-Compl - ASE-Compl



## Attendance Certification Sheets

Attendance should be taken at the start of each class period. At the end of the week, teachers are responsible for printing their attendance sheet, signing it (certifying), and turning it in to the attendance clerk.

## Substitute Attendance Procedures

When a teacher is going to be out, it is essential that attendance is still taken each period. When the substitute teacher checks in, they will receive an attendance sheet that they will use to take attendance. Attendance will be taken on paper for the period the teacher is out and the substitute will sign it and return it to the front desk staff upon check-out. The front desk staff will then give it to the teachers VP to have the teacher of record enter the attendance. The teacher of record is always responsible for submitting their own attendance when they are present in the classroom.

## Fresno Adult School ATTENDANCE POLICY

Attendance policies vary by program:

### H. S. Diploma

- **ATTENDANCE POLICY:**  
*Students are allowed 3 absences per class for the entire quarter. Students will be dropped from class if they acquire an additional tardy or absence after already acquiring 3 absences (no exceptions). Missed classes due to registering late are considered absences.*

### Edgenuity Online Classes

- **ATTENDANCE POLICY:**  
*Students who are absent more than once in a month without a valid reason (teacher's discretion) and/or fail to complete 9 hours of online assignments at home each week while enrolled, will be dropped from class and unable to reenroll for 2-4 weeks.*

### ESL

- **ATTENDANCE POLICY:**  
*Students are allowed 3 absences per class for the entire quarter. Students will be dropped from class if they acquire an additional tardy or absence after already acquiring 3 absences (no exceptions). Missed classes due to registering late are considered absences.*

### CTE

- **ATTENDANCE POLICY:**  
*Students are allowed 3 absences per class for the entire quarter. Students will be dropped from class if they acquire an additional tardy or absence after already acquiring 3 absences (no exceptions). Missed classes due to registering late are considered absences.*



### **Teacher I.D Badges**

- Employees will wear an I.D. badge at all times while on campus or attending school or district activities.
- If an ID badge is lost or damaged and needs to be replaced, please visit FUSD HR office.

### **Student I.D Badges**

- Students will receive an ID badge from the front desk personnel once the registration process is final and a schedule has been issued.
- Lost/damaged ID badges can be replaced for \$5.00.

### **Substitute Teacher for Illness:**

Full time teachers: Please request via internet on smartfinder as soon as possible (at the first sign of need), to ensure that a substitute is obtained! It is much easier to cancel a job than try to find a substitute later in the morning. Make sure your information is correct in the Smart Finder system prior to the start of school.

Part-time Teachers: Please email the office manager [AnaMaria.Bustamante@fresnounified.org](mailto:AnaMaria.Bustamante@fresnounified.org) as soon as possible (at the first sign of need), to ensure that a substitute is obtained. It is much easier to cancel a job than try to find a substitute later in the day. Part-time Hourly teachers are unable to put their own sub jobs in smartfinder so it is essential that the absence is emailed in right away.

### **Substitute Teacher for District Meetings:**

The office will provide the teacher with an event number. It is the responsibility of the teacher to submit and request for a substitute teacher through Smart Finder.

Teacher is responsible for checking with Office Manager to ensure that adequate coverage is available to cover for district meeting. In the event that there is no coverage for class, teacher may need to reschedule district meeting.

### **Plans for a substitute teacher must include:**

- Bell schedule
- Classroom daily schedule
- Detailed lesson plans: short narrative on what the instruction should look like for the materials that were left for them.
- Class seating chart.
- CHAMPS expectations need to be included for each activity/transition in lesson.
- Classroom discipline plan (High School Concurrent Classes).
- Morning/Afternoon duties.
- List other grade level/department teachers along with phone numbers to support substitute teacher if needed.
- Make emergency procedures binder available to them in case of fire drill etc.
- Bring to the main office or email lesson plans to [Anamaria.bustamante@fresnounified.org](mailto:Anamaria.bustamante@fresnounified.org)

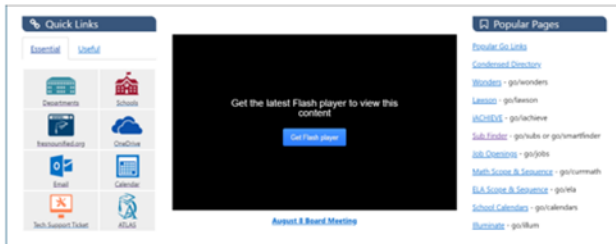


## How to Create an Absence in Smartfinder

## Full Time Employees Only:

## Step by Step Guide in Creating an Absence in Smart Finder

**Step 1:** Go to <https://hrsubsfnounified.eschoolsolutions.com>



On Fresno Unified  
Staff Portal Home  
Page

**Step 2:** Log on by using your employee ID# (User ID) and the password (PIN) you created. **If you have forgotten your password, please see your Office Manager.**

Step 3: Select, "Create an Absence" tab at the top of the screen.



Step 4: Check to make sure that your Location and Classification are accurate. If you notice that the site is incorrect, or that your Classification states, "Do Not Call Sub" please stop and call the sub desk at (559) 457-3475 (classified) or (559) 457-3492 (certificated). If you are unable to get in touch with them, please email [substitutehelpdesk@fresnounified.org](mailto:substitutehelpdesk@fresnounified.org) for assistance.

Step 5: Select the reason for your absence from the drop down below.

Reason: 

Step 6: If your reason is Professional Development, District Meeting, Vacancy, etc. - Enter an Event Number for your absence

Event numbers begin with the number "5". If the Event number you were given doesn't begin with "5" it is invalid. If this occurs please contact the individual/group organizing the event for further information. Please do not use another false event number such as, "00000". It may cause pay issues.

Event Number:

Step 7: By default SmartFinder will check, "Yes" a substitute is required. If for some reason you do not need a substitute for your absence please be sure to select, "No".

**\*\*Classified Staff: Cesar Chavez Floating Holiday doesn't permit for a sub\*\***

Is a Substitute required?: ☒ Yes ☐ No

Step 8: Please confirm exact start date and exact start time. **IMPORTANT** – please double check if it should be AM or PM.

Dates: **Start**  **End**   
(MM/DD/YYYY) (MM/DD/YYYY)

Start time is when you want the sub to arrive for work (NOT when school starts or your office opens. No more than 15 minutes before start time).

Also, be sure to modify the end time to reflect when the sub finished working.

If you will only need a sub for a portion of your day, please modify the time to reflect the exact hours you will need them to work.

Please note: Certificated jobs that are 3:30 hours or greater in length are a full-day. Any job 3:29 hours or less in length is a half-day.

Please note: Classified subs are paid by the hour, and can't exceed 8 hours in a single day.

**Example:**

Weekly Schedule		Absence		Substitute	
		Start Time (h:mm am)	End Time (h:mm am)	Start Time (h:mm am)	End Time (h:mm am)
Monday	<input checked="" type="checkbox"/>	08:00 AM	04:45 PM	08:00 AM	04:45 PM
Tuesday	<input checked="" type="checkbox"/>	08:00 AM	04:45 PM	08:00 AM	04:45 PM
Wednesday	<input checked="" type="checkbox"/>	08:00 AM	04:45 PM	08:00 AM	04:45 PM
Thursday	<input checked="" type="checkbox"/>	08:00 AM	04:45 PM	08:00 AM	04:45 PM
Friday	<input checked="" type="checkbox"/>	08:00 AM	04:45 PM	08:00 AM	04:45 PM

Step 9: If you have a prearranged sub please type in their employee ID, or look them up by name by selecting the, "Name Lookup" tab.

**Substitute**

Specify a Substitute? ID:  [Name Lookup](#)

**PRE-ARRANGED?**

If the specified substitute has accepted this assignment and does not need to be contacted, press YES.

Has the substitute accepted this job? ☐ Yes ☒ No

**IMPORTANT**— If you have a prearranged sub YOU MUST SELECT “YES” where it says, “Has the substitute accepted this job?” If you fail to select “Yes” for your prearranged sub, the system will not attach your sub to the job and the system will automatically call another person to accept the job and two subs will show up for one job.



Step 10: (Certificated Subs Only) Please provide your substitute with notes that you believe will be beneficial to their success in your classroom. You may type these into the "Substitute Instructions" box, or attaching a file.

Substitute Instructions:  (Maximum Characters=1000)

File Attachments:  (Maximum file size=512K)

Step 11: Click continue to review your absence information.

[Continue](#) [Reset](#)

Step 12: Click "Create Absence" to confirm your absence information and to receive a job number for your records.

[Create Absence](#) [Cancel](#)

**Reason Code and Description for an Absence:**

1 – Illness
2 – District Meeting
3 – Bereavement in State (limit of 3 days)
4 – PBH - Personal Business – Employee receives 2 days a year * FTE (full-time equivalency)
5 – Vacation
6 - Jury Duty
7 – PNH - Personal Necessity – Employee receives 10 days a year * FTE (full-time equivalency)
8 – On the Job Injury
9- Vacancy – Office Use Only
10 – Prep Time/Comp Sub – Office Use Only
11 – Maternity Leave
12 – Extra Support – Office Use Only
14 – Admin Leave – Office Use Only
15 – Leave of Absence
16 – Leveling – Office Use Only
17 – Modified Duty
18 – Professional Development
19 – Cesar Chavez Floating Holiday – Classified Employees Only
20 - Perfect Attendance – Classified Employees Only
21 – Leave Without Pay – Office Use Only

22- Vacancy Summer School – Office Use Only
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31 – Bereavement out of State (limit of 5 days)
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**\*\* Reminder – PBH and PNH come out of your sick leave balance. If you use PBH or PNH and have no sick leave available, your pay will be docked. Also, if you have used up all of your PBH and PNH but have sick leave available you will still be docked because your PBH and PNH have zero balances.**

You can check your sick or vacation balance on Employee Self Service in Lawson. Type Go\Lawson into your browser (internet Explorer Only), login using your Outlook username/password and then click on Employee Self-Service.

**\*\*SmartFinder can be accessed through your mobile device. Open Internet Explorer and type the SmartFinder link below.**

<https://hrsbsfresnounified.eschoolsolutions.com/logoninitaction.do>

As always, if you ever need support of assistance, please don't hesitate to reach out to the office manager at.

[Anamaria.bustamante@fresnounified.org](mailto:Anamaria.bustamante@fresnounified.org)



## **Creating an Absence**

Part-time Hourly Teachers (Concurrent Only) need to email the office manager directly to request an absence to be created. The smartfinder system may allow you to create an absence, but it will not create the absence correctly, therefore it is best to email the office manager.

## **Employee Self Service – Lawson**

### **Employee Self Service (ESS)**

**FUSD is pleased to announce the role out of Employee Self Service (ESS). ESS will let you Access and change your personal information on line.**

**We will be implementing the following services:**

- **Paycheck:** Review your paycheck information by looking under the **Pay** menu then **Pay Checks** then click on the date of the paycheck.
- **Address Change:** Change your address under the **Life Events** tab and then click **Move**.
- **Benefits Information:** Review your benefits information by clicking on the **Benefits** menu and then **Current Benefits**.
- **Tax Information:** View and update your tax withholding information(W-4) by clicking on the **PAY menu** and then **Tax Withholding**. Click on the item you would like to edit and make your changes.
- **Leave Balance:** View your current sick and vacation plans by clicking on **Personal Information** and then Leave Balances (Note: In this report, options are available by year, by each plan of all plans and a summary or detail information. For employees with sick and vacation, click next to view all plans. Clicking the small + symbol next to a category will expand the report and provide detail.
- **Direct Deposit:** Change your direct deposit account by clicking on **Pay** and then **Direct Deposit**.
- **More screens will be implemented in the future and additional information will be editable. Please see the sample demonstration below for more details on how to log-on to ESS.**

**-Your Lawson ESS Team**





### **Full Time Teacher Substitute Request**

- If you need a substitute, you will need to call for your own sub via SmartFinder.
- Make sure that your night times are correct, or you will not be able to access a sub.
- Have your lesson plans, attendance sheets, and seating charts ready for the sub in your box, or with Ana Bustamante in the main office.
  - ⇒ Emergency Lesson Plans: Must have an emergency lesson plan, along with copies of student activity worksheet on file. Hand in to Annaket in the main office. The lesson plan and activities should be strategically planned and have enough activities for students to do.
- Make sure that you mark the sub as accepted the job, or you will get a random sub.

### **Supplies**

- Fill out the supply form and turn into your vice principal for authorization signature then place it in Pang's mailbox in the main office.
- In the past, we have provided everything for students, including paper and pencils. Make it the student's responsibility to provide their own paper and pencils
- Use your supplies wisely.

### **Teamwork = Committee Work**

School committees are avenues for supporting important programs of the school. To be able to provide a quality educational environment for our school the following committees will be established.

**Instructional Leadership Team:** The Instructional Leadership Team is comprised of the Principal, Vice-Principal's, Academic Counselors, and Lead Teachers. The Leadership Team will meet in the main conference room. The Leadership Team is responsible for updating and reviewing the current practices and programs of the school.

**School Building Committee:** This committee is responsible for bringing contractual and equity issues to the principal. The committee acts as liaison between teachers and administrators.



## **Certificated Evaluation Process**

The iACHIEVE system will house all evaluation information. A meeting of all teachers who are being evaluated will be scheduled. At the meeting teachers will be informed of the evaluation process and they will be asked to log into iACHIEVE and check the box for intent to evaluate.

Note: Thoroughly read the Continuum of Standards which outlines the evaluation marks of does not meet standards, minimally meets standards, meets standards, and highly effective.

A pre-conference date will be scheduled. At the pre-conference the administrator and teacher will discuss the Teaching Standards, goal setting, the classroom observation and the post conference schedule. An observation scheduled by the teacher and the administrator will then take place.

A post conference will be held within 3-5 days after the observation.  
A meeting of all teachers who are not being evaluated will be held through the iACHIEVE system, CSTPs and continuum will be reviewed.

At least two formal observations will occur; one during the first semester followed by a formative evaluation and another during the second semester followed by a summative evaluation.

Each teacher is responsible to create and gather evidence for two smart goals as part of their evaluation.

[California Standards for the Teaching Profession \(CSTP\)](#)

## **Walkthrough Protocol**

- Students should be instructed not to greet administration during classroom observations.
- Administration will conduct regular walkthroughs both in teams and independently. Conversations with students will revolve around the learning taking place during the lesson.
- Administration may use their cell phones to access the CCSS phone app, take pictures of student work or other artifacts around the classroom.



# California Standards for the Teaching Profession

## STANDARD 1: Engaging and Supporting ALL Students in Learning

1. Using knowledge of students to engage them in learning
2. Connecting learning to students' prior knowledge, backgrounds, life experiences, and interests
3. Connecting subject matter to meaningful, real-life contexts
4. Using a variety of instructional strategies, resources, and technologies to meet students' diverse learning needs
5. Promoting critical thinking through inquiry, problem solving, and reflection
6. Monitoring student learning and adjusting instruction while teaching

## STANDARD 2: Creating and Maintaining Effective Environments for Student Learning

1. Promoting social development and responsibility within a caring community where each student is treated fairly and respectfully
2. Creating physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students
3. Establishing and maintaining learning environments that are physically, intellectually, and emotionally safe
4. Creating a rigorous learning environment with high expectations and appropriate support for all students
5. Developing, communicating, and maintaining high standards for individual and group behavior
6. Employing classroom routines, procedures, norms, and supports for positive behavior to ensure a climate in which all students can learn
7. Using instructional time to optimize learning

## STANDARD 3: Understanding and Organizing Subject Matter for Student Learning

1. Demonstrating knowledge of subject matter, academic content standards, and curriculum frameworks
2. Applying knowledge of student development and proficiencies to ensure student understanding of subject matter
3. Organizing curriculum to facilitate student understanding of the subject matter
4. Utilizing instructional strategies that are appropriate to the subject matter
5. Using and adapting resources, technologies, and standards-aligned instructional materials, including adopted materials, to make subject matter accessible to all students
6. Addressing the needs of English Learners and students with special needs to provide equitable access to the content

## STANDARD 4: Planning Instruction and Designing Learning Experiences for ALL Students

1. Using knowledge of students' academic readiness, language proficiency, cultural background, and individual development to plan instruction
2. Establishing and articulating goals for student learning
3. Developing and sequencing long-term and short-term instructional plans to support student learning
4. Planning instruction that incorporates appropriate strategies to meet the learning needs of all students
5. Adapting instructional plans and curricular materials to meet the assessed learning needs of all students

## STANDARD 5: Assessing Students for Learning

1. Applying knowledge of the purposes, characteristics, and uses of different types of assessments
2. Collecting and analyzing assessment data from a variety of sources to inform instruction
3. Reviewing data, both individually and with colleagues, to monitor student learning
4. Using assessment data to establish learning goals and to plan, differentiate, and modify instruction
5. Involving all students in self-assessment, goal setting, and monitoring progress
6. Using available technologies to assist in assessment, analysis, and communication of student learning
7. Using assessment information to share timely and comprehensible feedback with students and their families

## STANDARD 6: Developing as a Professional Educator

1. Reflecting on teaching practice in support of student learning
2. Establishing professional goals and engaging in continuous and purposeful professional growth and development
3. Collaborating with colleagues and the broader professional community to support teacher and student learning
4. Working with families to support student learning
5. Engaging local communities in support of the instructional program
6. Managing professional responsibilities to maintain motivation and commitment to all students
7. Demonstrating professional responsibility, integrity, and ethical conduct



## **Child Abuse Reporting**

Mandated reporters are required by law to report known or suspected cases of child abuse. **All staff members are considered mandated reporters.** As a mandated reporter you must report if you know or have reasonable suspicions that a child is being abused or a child has been abused. Even if an incident has occurred in the past and/or even if the child is no longer at risk a report should be made to protect other children who may be potential victims.

### **Child Abuse Penal Code 11166**

#### **Section C**

### **DIVISION OF HUMAN RESOURCES**

Fresno Unified School District

C1

06/2005 H.R. Reference Manual

### **CHILD ABUSE - WHAT IS IT?**

Any act of omission or commission that endangers or impairs a child's physical or emotional health and development, including:

- Physical abuse, corporal punishment
- Physical neglect and/or inadequate supervision
- Sexual abuse and/or exploitation
- Emotional abuse, deprivation

### **WHAT IS MY RESPONSIBILITY?**

If you are a teacher, administrative officer, supervisor of child welfare and attendance, or certified pupil personnel employee, or a licensed nurse, you are a mandated reporter and it is your responsibility to:

- Identify incidents of suspected child abuse.
- Comply with laws requiring reporting of suspected child abuse to the proper authorities.

### **HOW DO I REPORT?**

Call the Fresno County Department of Social Services, Protective Services Division, **immediately** at 255-8320 and provide the following information:

- Your name
- Name of the child
- Present location of the child
- Nature and extent of injury
- Any other information that led the reporter to suspect child abuse
- Other information as requested

Within 36 hours, complete DOJ form 11166 PC (4-part NCR) as completely as possible. Retain the yellow (last) copy for your personal record. Mail the remaining copies to:

Department of Social Services

Attention: Child Protective Services

Fresno, California 93750-0001

### **WHERE TO OBTAIN FORMS?**

Contact Student Services at 457-3340

### **WHAT HAPPENS IF I DON'T REPORT?**

You may be found guilty of a misdemeanor and may be held liable for civil damages.

### **CAN I ASK SOMEONE TO REPORT FOR ME?**

When two or more persons who are required to report are aware of an instance of suspected child abuse, it may be agreed that one will make the report. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.



## Written Report Required

**In Writing:** Within 36 hours of making a telephone report, a written report, including a Suspected Child Abuse Report form, must be sent, faxed or submitted electronically to the agency contacted by phone.

Your site or the District Office have copies of the state form (Form 8752), or you may download the form at:

[http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)

## Safeguards for Mandated Reporters

The Child Abuse and Neglect Reporting Act requires that the name of the mandated reporter remains strictly confidential, although it is provided to investigative agencies working on a case of child abuse.

Under state law, mandated reporters are absolutely immune from any civil or criminal liability in court for making a required report.



## Consequences for Failing to Make a Report

- Failure to make a required report of suspected child abuse is a crime and constitutes a misdemeanor punishable by six months in county jail and/or up to a \$1,000 fine or both.
- If a child dies or is severely injured as a result of further abuse after a mandated reporter failed to make a required report, this is a crime and is punishable by one year in county jail and/or up to a \$5,000 fine or both.



**For the complete law and a list of mandated reporters, please refer to California Penal Codes sections 11164—111743.**



**Fresno Unified  
School District**

*Preparing Career Ready Graduates*

## California Mandated Reporting Requirements for District Employees

Reporting Suspected  
Child Abuse

Fresno Unified School District

Human Resources Department  
2309 Tulare Street  
Fresno, CA 93721

Phone: (559) 457-3500  
Fax: (559) 457-3528  
E-mail: [www.fresnounified.org](http://www.fresnounified.org)



## The Child Abuse and Neglect Reporting Act

In California, children are protected from child abuse and neglect including any act or omission that endangers or impairs a child's physical or emotional health and development. (Penal Code § 11164 et seq.)

California law mandates certain public school employees to report suspected child abuse. These employees are known as "Mandated Reporters."

## Who Must Report

Virtually all school district employees assigned at school sites are mandated by law to report suspected child abuse immediately to law enforcement or the California Department of Social Services (DSS) (Penal Code § 11165.7).

- Mandated Reporters include:
  - ◆ Teachers
  - ◆ Principals and Vice Principals
  - ◆ Nurses
  - ◆ Counselors
  - ◆ Police and Security Personnel
  - ◆ All Classified Employees
  - ◆ Athletic Coaches and Support Staff



## What is Child Abuse

Child abuse is defined as any act or omission that endangers or impairs a child's physical or emotional health and development. This includes:

### Physical Abuse

A physical injury inflicted on a child by another person that is not an accident.

### Sexual Abuse

Sexual assault or sexual exploitation of a child for the sexual gratification of an adult. This can include verbalization, exposure, improper touching and sexual intercourse.

### Emotional Abuse

When a child suffers or is at risk of suffering serious emotional damage. This can include constant criticism, rejection, threats, intimidation, humiliation, the withholding of love and support, and isolation.

### Neglect

The negligent failure to meet the child's basic physical and medical needs. This can include: lack of proper supervision, food, clothing, shelter, medical attention, sanitation.

## When to Report

A mandated reporter **must** make a report whenever in his or her **professional capacity** or within the **scope of employment** the employee has **knowledge** or **observes** a child whom the employee **knows or reasonably suspects** has been the victim of child abuse or neglect.

This means that a mandated reporter must **only have a reasonable suspicion** that a child is suffering from abuse in order to be required to make a report, and no evidence or proof is required.

## Who Must Report

By phone: **Immediately, or as soon as possible**, make a telephone report to child welfare services and/or to a police department or sheriff's department.

Fresno County Dept. of Social Services  
559-255-8320  
Fresno County Sheriff's Office  
559-600-3111  
Fresno Police Department  
559-621-2000



**If a child is at risk of imminent harm,  
call 9-1-1**



## **Emergency Drills**

### **The procedures for a fire drill are:**

- Remain calm.
- Take your classroom roster out with you and take roll when you reach your designated location.
- Make sure lights are turned off and door is closed and LOCKED.
- Instruct the students to line up quietly in a single line fashion.
- Each classroom must follow the Fire Drill and Evacuation map (see Safety Plan).
- Students must be at least three feet away from the fence.
- All staff and students are to remain in the assembled area, until the all-clear signal (a long bell) is given by the administrators.
- Please update your Red and Green Fire Drill Folder monthly with new class rosters.
- Fire Drill Folder must be accessible to substitutes

### **The Procedures for a lock-down are:**

- Lock all windows and doors.
- Leave shades open and turn off lights.
- Relocate students and other occupants away from doors and windows.
- Maintain a calm environment.
- Conduct a count of all occupants and email admin and office manager immediately of missing persons.
- If explosion or gunfire is heard, get everyone on the floor.



## **Special Education Referrals**

It **may be** decided that a special education referral is appropriate. ***Poor** work habits, poor attitudes, or behavior problems by themselves do not constitute learning disabilities.* A student who is experiencing academic difficulties may be working up to his/her potential. Hence, a severe discrepancy may not exist and his/her needs must be met in the regular education classroom. If the special education team determines that a Special Education referral is not appropriate, then recommendations will be made for continued interventions in the regular education setting via transition support services.

There is a very specific process in having a student identified as special education. All requests need to be processed by SPED.

## **Supply Orders**

- Due to fluctuation in funds, classroom supply money is dependent on funding sources and amounts may vary year to year.
- **Pick up a supply request form from Budget Tech I (Pang).** Fill out form and have your department administrator sign it.
- Budget Tech I (Pang) will contact you when your order arrives from the warehouse.

## **Technology Services**

### **Technology Tips**

Classroom equipment is expected to be kept clean and accounted for.

Place a HEAT ticket for computer equipment not in working order

## **HEAT Ticket**

Go to the district website. This HEAT site will get you to the login screen the HEAT system (Helpdesk Electronic Automated Ticket). Your login is your Outlook User ID with the password of "heat". The HEAT main menu will display. Please select new issue to request help with your workstations or classroom workstations. If you have further questions, please call IT Helpdesk at 457-2600.

## **Facilities Use Request**

Please email or call Celia Campos to reserve the use of computer lab, classroom, or conference room. Reservations will be made on a first come, first serve basis.

## **Fingerprints**

All staff on campus including volunteers or interns must be fingerprinted when working on/off campus including pep sites. Volunteer/Intern fingerprints can be done at Parent University. All Volunteers/Interns need to pre-approved by and administrator and the Office Manager will make arrangement for them to fingerprint.

## **Copy Codes**

All staff will be assigned a copy code that will work on the main copiers on campus. See Office Manager for code or if your code is not working properly.

## **Field Trips**

All students attending a field trip (adult/student) must have a consent form on file prior to departure of field trip. All field trips must be pre-approved by department administrator at a minimum of 60 days prior to field trip departure date.



### **Bus Requests**

All bus requests must be submitted to the office manager no later than 60 days prior to the departure date for in town field trips and 90 days for out of town field trips. The request can be sent via email to the office manager and must include a trip date, departure time, return time, number of passengers (including chaperones), destination, and the administrator who approved the trip. Bus requests will first need to be approved by a department administrator, then will be submitted to transportation. Transportation will then either approve or deny the request based on availability. The sooner the request is put in, the more likely the request is to be approved. The bus request form will vary depending on the type of trip (in town/out of town) and type of bus requested (school bus/charter bus).

### **Conferences/Out of Town Travel**

All conferences and out of town travels must be PRE-APPROVED by a department administrator and need to be requested no later than 60 days in advance. A C-1 form must be submitted by the budget technician I (Pang) and sent to accounting which requires an ample amount of time. Any time a conference is approved on a student day, a sub must be requested using an event number provided by the Office Manager. Any conferences that are NOT pre-approved will not receive reimbursements and are at the employees own expense.

### **Curriculum/Technology/Materials Check-Out**

Curriculum is available for check-out with each department administrator. Technology is available to be checked out with the technology team. All items that are checked out must be returned in the same order they were received in, otherwise the individual checking out the items may be held responsible for them.

### **Payroll/Timesheets**

All full time, part time and/or permanent employees will be paid the last business day of the month. Part time teachers need to submit a timesheet on the 10th of each month and project their hours to the 15th of the month. Payroll starts the 16<sup>th</sup> of every month and closes the 15<sup>th</sup> of the following month.

### **PL Hours**

All teachers are expected to attend PL/AC. Teachers should be signing in/out during these events. Part-time hourly teachers are required to put in four hours per month of AC/PL work. Teachers are not allowed to exceed their built-in AC/PL hours without prior approval from their department administrator. Any time that exceed the already allotted hours will be paid out on a supplemental contract at a non-student rate. Part-time teachers are to record their PL hours on the Supplemental line of the hourly timesheets.



## FIELD TRIP CONSENT FORM

To: Student and Parent/Guardian:

The Adult School program will be offering students the opportunity to participate in a field trip to \_\_\_\_\_ (Destination) on \_\_\_\_\_ (Date), which is meant to introduce them to the \_\_\_\_\_ (Purpose).

The Adult School program will arrange for transportation to take students to the location of the event. A bus will depart from Fresno Adult School at \_\_\_\_\_ (Time) on \_\_\_\_\_ (Date). The Adult School program expects the visit to \_\_\_\_\_ (Destination) to last approximately from \_\_\_\_\_ (Start Time) to \_\_\_\_\_ (End Time) and so will return to Fresno Adult School at about \_\_\_\_\_ (Return Time).

To acknowledge notice of the subject field trip to \_\_\_\_\_ (Destination) and to provide consent and waiver of liability, this form must be completed, signed, and submitted before the time of departure, in order for Student to participate.

If you have any questions about this opportunity, please contact \_\_\_\_\_ (Name) at \_\_\_\_\_ (Email) or \_\_\_\_\_ (Phone Number).

By signing below, I \_\_\_\_\_ ("Student") voluntarily consent to participate in the field trip to Fresno City College on May 16, 2017, and agree to all of the following terms and conditions.

By signing below, I \_\_\_\_\_ [Printed name of Parent/Guardian] acknowledge and understand that I am giving full and free consent for Student to participate in the field trip to \_\_\_\_\_ (Destination) on \_\_\_\_\_ (Date), and understand and agree to all of the following terms and conditions.

Consistent with Education Code section 35330, subdivision (d), I agree to assume any and all liability and hold the District, its Trustees, employees, and agents harmless from all claims or actions which we have or may have, or may have at any time in the future, as a result of the subject event, or any liability for injuries or damages which occur to Student as a result of his/ her participation in the subject event.

I expressly waive all claims for medical expenses, loss of services, and all other claims, and I agree to indemnify and hold harmless the District, its Trustees, employees, and agents from all claims made against it or them on behalf of Student.

Photo Release: I grant permission to Fresno Unified School District and the \_\_\_\_\_ (Organization) to photograph Student for promotional and/or educational purposes.

\_\_\_\_\_  
[Parent/Guardian Signature]

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

\_\_\_\_\_  
[Student Signature]

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



## Bloodborne Pathogens

**Fresno Unified is a place where diversity is valued and educational excellence and equity are expected.**

The district's Exposure Control Plan shall contain at least the following components: (8 CCR 5193(c))

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 be 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 district's procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary 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. (8 CCR 5193(c))

The district'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. (8 CCR 5193(c))

#### Exposure Determination

The district'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.
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. (8 CCR 5193(c))

#### 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 declination statement as required by law.

(E 4119.42) (8 CCR 5193(f))

The district may exempt "designated first-aid providers" from the pre-exposure Hepatitis B vaccine if:

1. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis.
2. The district's Exposure Control Plan provides that:
  - a. Employees report all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the incident occurred.
  - b. Designated first-aid providers participate in the bloodborne pathogens training program.
  - c. Unvaccinated first-aid providers receive the full Hepatitis B vaccination series no later than 24 hours after rendering assistance in any situation involving the presence of blood or other potentially infectious material regardless of whether an exposure incident occurred.
3. The district implements a procedure to ensure the above requirements are met. (8 CCR 5193(f))

**Protective Equipment** The district shall provide appropriate personal protective equipment at no cost to the employee. The district shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. (8 CCR 5193(d))

#### Information and Training

The district shall provide a training program as specified by law to all employees in job classifications that have been determined to have some degree of occupational exposure. This program shall be offered



at the time of initial assignment and annually thereafter, and whenever a change of tasks or procedures affects 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 that involve blood or body fluids that are potentially infectious. (8 CCR 5193(g))

#### First-Aid Incidents

Unvaccinated designated first-aid providers must report any first-aid incident involving the presence of blood or other potentially infectious material, regardless of whether an exposure incident occurred, by the end of the work shift. The full Hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first-aid incident. (8 CCR 5193(f))

#### Exposure Incidents: Post-Evaluation and Follow-up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the district shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193(f))

#### Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus 30 years. Training records shall be maintained for three years from the date of training. (8 CCR 5193(h))

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law. (8 CCR 45193(h))

Records shall be made available to employees and the National Institute for Occupational Safety and Health in accordance with law. (8 CCR 5193(h))

#### Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: August 24, 1995 Fresno, California

reviewed: June 1, 2001

reviewed: December \_\_\_\_\_, 2014



## **Bloodborne Pathogens**

**Fresno Unified is place where diversity is valued and educational excellence and equity are expected.**

The district recognizes its responsibility to furnish a safe and healthful workplace for its employees. This includes the possible exposure to Bloodborne Pathogens as defined by 8 CCR 5193.

The Superintendent or designee shall establish 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). The plan will include exposure determination, methods of compliance, implementation of universal precautions, a Hepatitis B vaccination program, employee training, and procedures for record keeping. In accordance with the district's Exposure Control Plan, employee's having occupational exposure shall be offered the Hepatitis B vaccination.

It shall be the responsibility of all district employees to follow the established program and to conduct themselves accordingly. Further, it shall be the responsibility of the Superintendent and administrative staff to provide leadership and continuous evaluation of the program.

Legal Reference:

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

3204 Access to Employee Exposure and Medical Records

TITLE 29, CODE OF FEDERAL REGULATIONS

Part 1910.1030 Occupational Exposure to Bloodborne to Bloodborne Pathogens; Final Rule

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

reviewed: June 1, 2001

reviewed: December \_\_\_\_\_, 2014



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**Fresno USD DIVISION OF HUMAN RESOURCES**  
**HR 4105**  
**CHILD ABUSE & NEGLECT REPORTING ACT**

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In California, children are protected from child abuse and neglect including any act or omission that endangers or impairs a child's physical or emotional health and development.

**CHILD ABUSE**

Child abuse is any act of omission or commission that endangers or impairs a child's physical, psychological or emotional health and development, including:

- Physical Abuse:
  - ◊ Physical injury or death inflicted on a child by another person that is not an accident other than by accidental means
  - ◊ Corporal punishment
- Sexual Abuse:
  - ◊ Sexual assault or sexual exploitation of a child for the sexual gratification of an adult
  - ◊ This can include verbalization, exposure, improper touching & sexual intercourse
- Emotional Abuse:
  - ◊ Occurs when a child suffers or is at risk of suffering serious emotional damage
  - ◊ This can include constant criticism, rejection, threats, intimidation, humiliation, the withholding of love and support, and isolation
- Neglect:
  - ◊ The negligent failure to meet the child's basic physical and medical needs
  - ◊ This can include lack of proper supervision, food, clothing, shelter, medical attention, sanitation

**WHO MUST REPORT**

California law mandates certain public school employees to report suspected child abuse. These employees are known as "Mandated Reporters." Virtually all school district employees assigned at school sites are mandated by law to report suspected child abuse immediately to law enforcement or the California Department of Social Services (DSS) (Penal Code §1165.7)

- Mandated Reporters include:
  - Teachers
  - Principals and Vice Principals
  - Nurses
  - Counselors
  - Police and Security Personnel
  - All Classified Employees
  - Athletic Coaches and Support Staff

When two or more persons are required to report are aware of an instance of suspected child abuse, it may be agreed that one will make the report. However, if any person who knows or should know that the person designated to report failed to do so, that person then has a duty to make the report.



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## Fresno USD DIVISION OF HUMAN RESOURCES

### HR 4105

### CHILD ABUSE & NEGLECT REPORTING ACT

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#### **WHEN TO REPORT**

A Mandated Reporter **must** make a report whenever in his/her **professional capacity** or within the **scope of employment**, the employee has **knowledge** of or **observes** a child whom the employee **knows or reasonably suspects** has been the victim of child abuse or neglect.

This means that a Mandated Reporter must **only have a reasonable suspicion** that a child is suffering from abuse in order to be required to make a report, and no evidence or proof is required.

#### **REPORT TO**

The report shall be made **immediately, or as soon as possible** to child welfare services and/or to a police department or sheriff's department.

**If a child is at risk of imminent harm, call 9-1-1**

Fresno County Dept. of Social Services 559-255-8320

Fresno County Sheriff's Office 559-600-3111

Fresno Police Department 559-621-2000

The following information should be provided:

- Reporter's name
- Reporter's business address
- Reporter's telephone number
- Reporter's job title
- Information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information
- Name of the child and address if known
- Present location of the child
- Nature and extent of injury or neglect
- Any other information that led the reporter to suspect child abuse
- Other information as requested

#### **WRITTEN REPORT REQUIRED**

**Within 36 hours** of making a telephone report, a written report, including a Suspected Child Abuse Report Form (SS 8572) must be faxed or submitted electronically to the agency contacted by telephone. (The form may be obtained by contacting the Prevention and Intervention Department at 457-3340)



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**Fresno USD DIVISION OF HUMAN RESOURCES**  
**HR 4105**  
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A copy of the form must be retained by the reporting party, copies sent to the agencies as indicated by the form, and a separate copy must be mailed to:

Department of Social Services  
Attention: Child Protective Services  
Fresno, CA 93750-0001

**SAFEGUARDS FOR MANDATED REPORTERS**

The Child Abuse and Neglect Act requires that the **name of the Mandated Reporter remains strictly confidential**, although it is provided to investigative agencies working on a case of child abuse.

Under state law, Mandated Reporters are **absolutely immune from any civil or criminal liability in court** for making a required report.

**CONSEQUENCES FOR FAILING TO MAKE A REPORT**

Failure to make a required report of suspected child abuse is a crime and constitutes a misdemeanor punishable by six months in county jail and/or up to a \$1,000 fine or both.

If a child dies or is severely injured as a result of further abuse after a Mandated Reporter failed to make a required report, this is a crime and is punishable by one year in county jail and/or up to a \$5,000 fine or both.

**CHILD ABUSE REPORTING REQUIREMENTS**

Section 11166 of the Penal Code requires any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report a known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

“Child care custodian” includes teachers, administrative officers, supervisors of child welfare and attendance, or certificated pupil personnel employees of any public or private school; administrators of a public or private day camp; licensees, administrators, employees of community care facilities or child day care facilities licensed to care for children; Head Start teachers; licensing workers or licensing evaluators; public assistance workers; employees of a child care institution including, but not limited to, foster parents, group home personnel, personnel of residential care facilities; social workers or probation officers; administrators or presenters of residential care facilities.



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“Medical practitioner” includes physicians and surgeons, psychiatrists, psychologists, dentists, residents, interns, podiatrists, chiropractors, licensed nurses, dental hygienists, or any other person who is licensed under Division 2 (commencing with Section 1797) of the Health and Safety Code or psychological assistants registered pursuant to Section 2913 of the Business and Professions Code.

“Non-medical practitioner” includes state or county public health employees who treat minors for venereal disease or any other condition; coroners; paramedics; marriage, family or child counselors; and religious practitioners who diagnose, examine, or treat children.

**PENAL CODE SECTION 11166**

(a) Except as provided in subdivision (b), any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident. For the purpose of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, non-medical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any commercial film or photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative or slide depicting a child under the age of 14 years engaged in an act of sexual conduct, shall report such instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practically possible, by telephone and shall prepare and send a written report of it with a copy of the film, photograph, videotape, negative or slide attached within thirty-six (36) hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:

1. Sexual intercourse, including genital-genital, oral-genital, and anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
2. Penetration of the vagina or rectum by any object.
3. Masturbation, for the purpose of sexual stimulation of the viewer.
4. Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.
5. Exhibition of the genitals, pubic or rectal areas of any person for the purpose of sexual



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**Fresno USD DIVISION OF HUMAN RESOURCES**  
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stimulation of the viewer.

- d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.
- e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.
- f) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.
- g) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone to the law enforcement agency having jurisdiction over the case to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions code, and to the district attorney's office, every known or suspected instance of child abuse as defined in Section 11165, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within thirty-sixty (36) hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.
- h) A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the county welfare department the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse reported to it, except acts or omissions coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.
- Should an employee, in the course of discharge of his/her duties, be made aware of information which he/she believes to be in conflict with the integrity of the organization, he/she will seek appropriate line authority to whom he/she can report such discrepancy and shall retain the necessary confidentiality required in maintaining the integrity of all individuals who are a part of the organization.



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**CHILD ABUSE & NEGLECT REPORTING ACT**

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Finally, employees do not have authority or responsibility to report discrepancies directly to the general public, nor do they have the right to discuss confidential information with fellow employees or the public except as needed in the regular and necessary course of their duties.

*References:*

*BP/AR 5141.4*

*Penal code 11164-11174.4 Child Abuse and Neglect Reporting Act*

*EDUCATION CODE*

*WELFARE AND INSTITUTIONS CODE*

Policy Fresno Unified School District  
DIVISION OF HUMAN RESOURCES  
Revised: January 17, 2017  
Admin reviewed: March 22, 2017  
Fresno, California



## **Fresno Unified Administrative Regulation (AR) 5141.4**

### **Child Abuse Prevention And Reporting**

#### **Definitions**

Child abuse or neglect includes the following: (Penal Code 11165.5, 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
3. Neglect as defined in Penal Code 11165.2
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

*(cf. 5145.7 - Sexual Harassment)*

#### **Child abuse or neglect does not include:**

1. A mutual affray between minors (Penal Code 11165.6)
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of their employment (Penal Code 11165.6)

*(cf. 3515.3 - District Police/Security Department)*

3. An injury resulting from the exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)

4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect themselves, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5144 - Discipline)*

*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*



5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145.2 - Athletic Competition)*

6. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)

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

*(cf. 5141.41 - Child Abuse Prevention)*

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

### **Reportable Offenses**

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

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

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

### **Responsibility for Reporting**

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

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of



the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report. (Penal Code 11166)

Note: Penal Code 11166.01 provides that it may be a crime, punishable by a fine and/or imprisonment, for a supervisor or administrator to knowingly inhibit or impede a mandated reporter from making a report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report. (Penal Code 11166)  
Any person not identified as a mandated reporter who has knowledge of or observes a child whom they know or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. (Penal Code 11166)

*(cf. 1240 - Volunteer Assistance)*

## **Reporting Procedures**

### **1. Initial Telephone Report**

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department. (Penal Code 11165.9, 11166)

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

### **2. Written Report**

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

The Department of Justice form may be obtained from the district office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known: (Penal Code 11167)

- a. The name, business address and telephone number of the person making the report and the capacity that make the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade and class



- c. The names, addresses and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number and other relevant personal information about the person(s) who might have abused or neglected the child

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

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

### 3. Internal Reporting

The mandated reporter shall not be required to disclose their identity to their supervisor, the principal, or the Superintendent or designee. (Penal Code 11166)

However, employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to an appropriate agency. When so notified, the principal shall inform the Superintendent or designee.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's law, Board policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing these forms.

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

### **Training**

Training of mandated reporters shall include child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights. (Penal Code 11165.7)

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



*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

Training shall also include guidance in the appropriate discipline of students, physical contact with students, and maintenance of ethical relationships with students to avoid actions that may be misinterpreted as child abuse.

Training shall also include current information on the behavioral indicators of bullying, molestation and abuse as manifested in students with developmental disabilities and in other students with special needs that render them particularly vulnerable as victims. The abuse prevention curriculum training will be provided to each staff member annually at the beginning of each year. Training and procedures will reflect the needs of students with developmental disabilities as well as other students with special needs. The training curriculum shall include, but not be limited to, identification and understanding of behavioral indicators of abuse, district protocol for early investigation and reporting of behavioral indicators, protocol for reporting of harassment or sexual misconduct and a review of current law and Board Policy and Administrative Regulations. Training shall also include current knowledge on what may constitute reasonable suspicion of abuse based on age, cognitive development, and special needs.

*(cf. 5144 - Discipline)*

*(cf. 5145.7 - Sexual Harassment)*

### **Victim Interviews**

Upon request, a representative of an agency investigated suspected child abuse or neglect may interview a suspected victim during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform them, before the interview takes place, of the following requirements: (Penal Code 11174.3)

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable them to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

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



## **Release of Child to Peace Officer**

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

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

*(cf. 5145.11 - Questioning and Apprehension)*

## **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English. (Education Code 48987)

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

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

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

If a parent/guardian makes a complaint to any district employee, that employee shall notify the parent/guardian or procedures for filing a complaint with the appropriate agency and also is obligated pursuant to Penal Code 11166 to file a report themselves using the procedures described above for mandated reporters.

*(cf. 1312.1 - Complaints Concerning District Employees)*

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650(a)(viii)(C).

*(cf. 1312.3 - Uniform Complaint Procedures)*

## **Notifications**

The Superintendent or designee shall give persons hired by the district a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code 11166, and provide a copy of Penal Code 11165.7 and 11166. Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee. (Penal Code 11166.5)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*



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

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that they knowingly made a false report with reckless disregard of the truth or falsity of the report. (Penal Code 11172)
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, they are guilty of a misdemeanor punishable by a fine and/or imprisonment. (Penal Code 11166)
3. No employee shall be subject to any sanction by the district for making a report. (Penal Code 11166)

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: September 9, 1993 Fresno, California revised: March 2004

revised: March 30, 2005

admin reviewed: October 16, 2019

*Policy Section: 5000 Students*



## **Child Abuse Prevention And Reporting**

### **Child Abuse Prevention**

The Governing Board recognizes the districts responsibility to educate students about the dangers of child abuse so that they will acquire the skills and techniques needed to identify unsafe situations and to react appropriately and promptly.

The districts instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students right to live free of abuse, inform them of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques. District courses of study for grades 7 and 8 may include parenting skills education, including instruction on child abuse and neglect.

(cf. 6143 Courses of Study)

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

(cf. 1020 Youth Services)

The Governing Board recognizes that the district has a responsibility to protect students by facilitating the prompt reporting of known and suspected incidents of child abuse and neglect. The Superintendent or designee shall establish procedures for the identification and reporting of such incidents in accordance with law.

The Governing Board recognizes that students who are victims of abuse may manifest specific behaviors as indicators. The Superintendent or designee shall incorporate current knowledge regarding these behaviors into the procedures for the reporting of such incidents.

The Governing Board recognizes that students who are developmentally disabled are especially vulnerable to being physically, emotionally or sexually abused. Procedures established by the Superintendent or designee to prompt the reporting of known and suspected incidents of child abuse and neglect shall address the needs of students who are developmentally disabled as well as other students with special needs.

(cf. 0450 Comprehensive Safety Plan)

Employees who are mandated reporters, as defined by law and district administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. Mandated reporters shall not investigate any suspected incidents but rather shall cooperate with agencies responsible for reporting, investigating and prosecuting cases of child abuse and neglect.



Note: Penal Code 11165.7 describes the content of training to be provided to mandated reporters; see the accompanying administrative regulation. Districts that do not provide such training are required to report to the California Department of Education the reasons that training has not been provided. Pursuant to Penal Code 11165.7, a lack of training does not excuse any mandated reporter from the duty to report suspected child abuse and neglect.

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters. Training will incorporate current knowledge regarding behavioral indicators of abuse. In the event that training is not provided to mandated reporters, the Superintendent or designee shall report to the California Department of Education the reasons that such training is not provided. (Penal Code 11165.7)

Parents/guardians may contact the Superintendent or designee to obtain procedures for filing a complaint against a district employee or other person whom they suspect has engaged in abuse of a child at a school site.

#### Legal Reference:

#### EDUCATION CODE

32280-32288 Comprehensive school safety plans  
 33308.1 Guidelines on procedure for filing child abuse complaints  
 44690-44691 Staff development in the detection of child abuse and neglect  
 44807 Duty concerning conduct of students  
 48906 Notification when student released to peace officer  
 48987 Dissemination of reporting guidelines to parents  
 49001 Prohibition of corporal punishment  
 51220.5 Parenting skills education

#### PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act  
 273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
 288 Definition of lewd or lascivious act requiring reporting  
 11164-11174.4 Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE



15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

Management Resources:

CDE LEGAL ADVISORIES

0514.93 Guidelines for parents to report suspected child abuse

WEB SITES

California Attorney Generals Office, Crime and Violence Prevention Center: <http://safestate.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Department of Social Services, Children and Family Services

Division: <http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, National Clearinghouse on Child Abuse and

Neglect Information: <http://nccanch.acf.hhs.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 9, 1993 Fresno, California

revised: March 10, 2004

revised: March 30, 2005



Fresno USD | 1000 | E 1265 Community Relations

### **Civility Policy**

Please See District Material At The District Office For Exhibit 5137.1. The Titles Are: Incident Report And Complaint Against Parents/Guardians Or Other Members Of The Public Form

Exhibit FRESNO UNIFIED SCHOOL DISTRICT

version: December 12, 2001 Fresno, California

Revised: January 29, 2003



## **Code Of Conduct/Conflict Of Interest**

### **Philosophy**

The proper operation of democratic government requires that public trustees, officials and employees be independent, impartial and responsible to the residents of the community; that policies and decisions be made within the legal and ethical guidelines dictated by government code and public expectation for appropriate behavior, that public office or employment not be used for personal gain; and that the public is entitled to confidence in the integrity of its government.

It is the responsibility of each trustee, official and employee of the district to help earn that confidence by his/her own integrity and conduct. Each trustee, official and employee is responsible for both the actual and perceived conflicts of interest and incompatible activities that may arise as a result of his/her actions.

The law is the absolute minimum to which elected and appointed members of the Governing Board and employees are expected to abide. The Code of Conduct/Conflict of Interest Policy of this district demands ethics and behavior which go beyond the minimum requirements of the law.

### **General Obligations**

Except as provided by law, no trustee, official and/or employee may participate, at any state, in any activity or transaction involving the district which might provide personal financial benefit to that individual. Subject to and in accordance with this directive, trustees, officials and/or employees are prohibited from engaging in the following activities:

1. Participating in decisions, or making any recommendation on decisions which would, or could, reasonably be perceived to offer the potential for personal financial gain.
2. Accepting gifts, gratuities, or favors which might reasonably be interpreted as an attempt to influence their actions in the conduct of district business.
3. Accepting money or other considerations, from other than the district, for the performance of duties expected in the normal course of fulfilling the responsibilities of service or employment with the district.
4. Being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.
5. Being purchasers at any sale, or vendors of any purchase, made by them in their official capacity.
6. Promoting or selling, on district property, during the individual's duty hours, of products or services in which he/she has financial interest.
7. Using for personal gain confidential information acquired by, or available to, them in the course of their duties.
8. Divulging confidential information acquired during a closed session of the Board.



9. Using district time, facilities, name, equipment, or supplies for personal gain or advantage or improper political use.
10. Exerting legal authority except when supporting policies and decisions made by the majority of the Board.
11. Engaging in employment or activities which are incompatible with, or in conflict with, the proper discharge of their employment or duties.
12. Accepting remuneration for tutoring a student who is enrolled in the faculty member's classes, or acceptance of remuneration for tutoring using district facilities or equipment.
13. Selling or marketing materials, developed wholly or partially during the regular duty day, and/or using district equipment, without contractual agreements arrived at prior to the development of such materials.
14. Failing to disclose potentially compromising situations which could violate any one or all of the guidelines provided herein.
15. Failing to disqualify themselves from decisions in which they have a personal financial interest or the potential for personal financial gain.

#### Materials, Equipment and Services Selection Procedures

Involvement of all personnel in the evaluation and selection of materials, equipment and/or services, both instructional and otherwise, supporting the operation of the district, shall be encouraged. However, since the selection of materials and services must be done in an atmosphere of objectivity, the Board emphasizes the following:

Personnel participating in any action or transaction relative to the selection of materials, equipment and/or services, including participation on a committee making recommendations for adoption or selection of materials, equipment and/or services, or a committee evaluating materials, equipment and/or services, leading directly to adoption or selection, shall not:

1. Be employed by any person, firm or organization submitting material, equipment and/or services to the district for consideration.
2. Have or negotiate a contractual relationship with any such person, firm or organization.
3. Receive any compensation from any such person, firm or organization or any of its subsidiaries or controlling entities.
4. Have a financial interest in any materials, equipment, and/or services submitted to the district for selection by the committee on which the individual serves.
5. Discuss any proposal for materials, equipment and/or services which has been or is likely to be submitted to the district with the person, entity or representative submitting it, except in a meeting scheduled and authorized by the Board or in a scheduled meeting of a quorum of the committee studying the materials.



Individuals shall not be disqualified from serving on selection or evaluation committees, if the relationship they hold with the provider of the materials, equipment and/or services is:

1. That of a nonsalaried officer of a nonprofit organization, and the interest is disclosed to that committee and noted in the minutes or record of the committee.
2. That of an employee or agent of a public entity or institution of higher education, provided the entity or institution has 10 or more other employees or agents and the individual has been an employee or agent thereof for at least three years before serving on the committee, and the interest is disclosed to the committee, noted in the minutes or record of the committee, and the individual abstains from voting on the issue.
3. That of an editor, consultant, contributor or author of a textbook or other materials, equipment and/or services for the vendor under consideration provided that such service was performed before serving on the committee and the individual retains no rights to compensation accruing while he/she serves on the committee, or received no compensation for two years prior to serving on the committee, and the interest is disclosed to the committee, noted in the minutes or record of the committee, and the individual abstains from voting on the issue.

#### Definitions

The definitions included below provided general guidelines to the interpretation of some of the terms incorporated within this policy. They are not intended to replace or supersede the definitions applicable to individuals holding designated positions required to file a "Statement of Economic Interest Form" in accordance with Government Code 87500.

1. Personal Benefit or Gain - Benefit or gain are defined as anything which would, or which foreseeably could, add to the value of property, investments, financial holdings of the trustee, officer or employee or his/her spouse or minor child. Gifts are considered benefits.
2. Gifts, Gratuities and Favors - Anything of value, for which equal or greater value is not provided, from individuals or companies which supply equipment, materials and/or services of the type required in the operation of the district's programs. This does not prohibit the acceptance of materials and/or services which are of use and benefit to the district. In general, any item worth more than \$25 should be considered a gift. A gift does not include token items such as key chains, calendars, coffee mugs, etc., with a company logo.
3. Participation in any Action or Transaction
  - a. Signing a requisition, job order, contract request or other document initiating any district financial action.
  - b. Participating and/or voting as a member of a recommending committee.
  - c. Writing or helping to write specifications for equipment, materials, services, construction of facilities or alteration of facilities.

#### Violations



Trustees or employees who violate the provisions of this policy, including "Conflict of Interest" disclosing and disqualifying requirements identified above, adopted pursuant to the provisions of Government Code 87300, are subject to disciplinary measures up to and including termination of employment or office, loss of credential and/or prosecution, subject to statutory limitations.

#### Conflict of Interest Code

In addition to, and supportive of, the provisions of this policy, the district Code of Conduct/Conflict of Interest policy shall comprise the terms of the California Code of Regulations, Title 2, 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, together with attachments specifying designated positions and disclosure categories.

Each Board member and persons holding a designated position, as identified in Appendix A, shall adhere to the district Code of Conduct/Conflict of Interest Code adopted pursuant to the provisions of Government Code 87300. Annual Statements of Economic Interest shall be filed with the school district's designated filing officer. In the case of statements of the Superintendent or designee, the district's designated filing officer. In the case of statements of the Superintendent or designee, the district shall make and retain a copy and forward the original to the County Superintendent of Schools. The designated filing officer for the district is the District General Counsel and the filing location is the Fresno Unified School District, Education Center, Tulare and M Streets, Fresno, California 93721.

Copies of the appropriate regulations are available for review in the office of the district filing officer.

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

(cf. 1325 - Advertising and Promotion)

(cf. 1330 - Use of School Facilities)

(cf. 4000 - Concepts and Roles in Personnel)

(cf. 4040 - Code of Conduct/Conflict of Interest)

(cf. 4112.8/4212.8/4312.8 - Nepotism; Employment of Relatives)

(cf. 4117.4 - Dismissal)

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

(cf. 4119.21/4219.21/4319.21 - Code of Ethics)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

(cf. 4133.1 - Travel Reimbursement)

(cf. 4135/4235/4335 - Soliciting and Selling)



(cf. 4137 - Tutoring)

(cf. 5125 - Student Records; Confidentiality)

(cf. 6144 - Controversial Issue)

(cf. 9321 - Closed Sessions)

Legal Reference:

## EDUCATION CODE

7050 Political activities of school officers and employees

32360 Copyrights; use of funds

32361 Copyrights; use of employee work time

35010 Control of district; prescription and enforcement of rules

35020 Control of district; prescription and enforcement of rules

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

35170 Authority to secure copyrights

35174 Urging the passage or defeat of schools measures

35182 Marketing or licensing noneducational mainframe electronic data processing software

38130-38138 Use of school property for public purposes

44031 Personnel file contents and inspection

44932 Grounds for dismissal

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49078 Pupil records

51520 Prohibited solicitations on school premises

60070-60076 Prohibited acts



## GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1098 Public officials and employees: confidential information

1125-1129 Incompatible activities

3540 et seq. Meeting and negotiating in public employment

6252 et seq. Inspection of public records

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

82028 Definition of "Gifts"

82030 Definition of "Income"

82033 Definition of "Interest in real property"

87100-87103.5 Conflicts of interest

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

91000-91015 Enforcement

## CODE OF REGULATIONS, TITLE 2

18100 et seq. Regulations of the Fair Political Practices Commission

## LABOR CODE

1102.5 Employees; disclosure of information

2770-2772 Inventions made by an employee

## FEDERAL COPYRIGHT LAW

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

## APPENDIX A

Designated Positions



1. Persons occupying the following positions are designated because they make or participate in making decisions which may foreseeably have a material effect on their financial interests. Therefore, they must disclose their financial interests as defined in Category 1, Appendix B.

Governing Board Members

Superintendent of Schools

Chief Business Official/Chief Financial Officer

Associate Superintendent

Administrator

Assistant Superintendent

Executive Director

General Counsel

Buyer I, II, III

Director

Internal Auditor

Member of the Audit Committee

Principal I, II, III, IV

Purchasing Technician

Purchasing Manager

Consultant\*

\*The Superintendent may determine in writing that a particular consultant, although in a designated position, is hired to perform a limited range of duties and thus not required to fully comply with disclosure requirements. Each consultant's contract shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description.

2. Persons occupying the following positions are designated because, in a narrower scope than the positions identified in Category 1, they make or participate in making decisions which may foreseeably have a material effect on financial interests, and must disclose financial interests defined in Category 2, Appendix B.

District Coordinators

APPENDIX B



## Disclosure Categories

### CATEGORY 1

Designated persons in this category must report:

1. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries or of any land owned or used by the district. Such interests include any leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments or business positions in or income from sources which:
  - a. are engaged in the acquisition or disposal of real property within the district.
  - b. are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or
  - c. manufacture or sell supplies, books, machinery or equipment of the type used by the district.

### CATEGORY 2

Designated persons in this category must report:

1. Investments or business positions in or income from sources which:
  - a. are contractors or subcontractors engaged in work or services of the type used by the district and for which the person has discretionary authority during the selection or procurement process, or
  - b. manufacture or sell supplies, books, machinery, or equipment of the type used by the district and for which the person has discretionary authority during the selection or procurement process.

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

revised: October 10, 1996

revised: September 24, 1998



## Code Of Ethics

### RULES OF CONDUCT FOR PROFESSIONAL EDUCATORS

Title 5, Article 3. Rules of Conduct for Professional Educators.

#### General Provisions.

80331 (a) These rules are binding upon every person holding a credential or any license to perform educational services under the jurisdiction of the Commission on Teacher Credentialing, and the consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder.

(b) Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of certificated persons 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.

(c) These rules may be cited and referred to as "Rules of Conduct for Professional Educators".

(d) The Commission shall complete a study of the effect of these rules and present its findings to the Governor, the Legislature, and the State Board of Education no later than September 1, 1989.

(e) As used in these rules:

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

(2) "Professional employment" means the performance for compensation of teaching or other education related employment in a position for which certification requirements are set by law.

(3) "Confidential information" means information made confidential by Section 35301 of the Education Code; or, information which was provided to the certificated 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.

#### Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation.

80332 (a) A certificated person 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 certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.



(b) 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.

#### Withdrawal from Professional Employment.

80333 (a) A certificated person shall not abandon professional employment without good cause.

(b) "Good cause" includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

#### Unauthorized Private Gain or Advantage.

80334 A certificated person shall not:

(a) 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;

(b) 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;

(c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she 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.

#### Performance of Unauthorized Professional Services.

80335 A certificated person shall not, after July 1, 1989:

(a) Knowingly, accept an assignment to perform professional services if he or she 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) .

(b) 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 to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.



(c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.

(d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

#### Performance with Impaired Faculties.

80336 (a) A certificated person shall not:

(1) Perform or attempt to perform any duties or services authorized by his or 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 of his or her own knowledge 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.

(b) For the purpose of this rule, 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 governing board of a school district, 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.

#### Discrimination Prohibited.

80338 A certificated person shall not, without good cause, in the course and scope of his or 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.

FRESNO UNIFIED SCHOOL DISTRICT

Fresno, California



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**DIVISION OF HUMAN RESOURCES**  
**Fresno Unified School District**

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**CONFIDENTIALITY STATEMENT**

Pursuant to Fresno Unified School District's Board Policy 4040 on Code of Conduct/Conflict of Interest, specifically as set forth in the sections entitled Philosophy and General Obligations, each employee contributes to the public's trust and confidence in government by acting with integrity at all times. In doing so, each employee acknowledges the responsibility to honor and protect the privacy interests of District employees, students and parents by adhering to all appropriate requirements regarding the confidentiality of personal information.

In the course of their work, employees may have access to confidential information (oral, written or computer generated and otherwise available to the public at large) about employees or students, their families and/or personal business. In addition, some employees may have access to school business information, including computer programs, software and supporting documentation, technological improvement plans, strategic plans, financial information and employee information (including, but not limited to co-workers and their families).

Each employee acknowledges that his/her right to access and/or use confidential information is expressly restricted to the employee's need to know such information in order to perform his/her job responsibilities. Each employee shall maintain the privacy and confidentiality of the information obtained, including its storage and disposal. All computer access password(s) shall be maintained in the strictest confidence and if a non-password method of computer access is used, the employee will take all reasonably feasible steps to restrict access by all unauthorized persons.

Before sharing information or data in any form with others, employees shall make reasonable efforts to ensure that the recipient is authorized to receive that information or data. Employees understand that it also their responsibility not to discuss any confidential information in any inappropriate location including, but not limited to public areas, hallways and gathering spaces.

Any time an employee accesses or obtains confidential information, he/she will hold that information in the truest confidence, as required by law, and will utilize such confidential information only for the benefit of the employee or student or as required in performing his/hers job responsibilities.

I acknowledge that I read and received a copy of the above information.

Signature:	Date:
Print Name:	Employee ID Number:



## **Fresno Unified Board Policy (BP) 0415**

### **Diversity, Equity and Inclusion**

The Governing Board believes that the diversity that exists among the district's community of students, staff, parents/guardians, and community members are an integral asset to the district's vision, mission, and goals. Addressing the needs of all learners requires recognition of the history of injustice to diverse groups and the inherent value of diversity and acknowledgement that educational excellence requires a commitment to equity in the opportunities provided to all students and in the outcomes resulting from those opportunities.

*(cf. 0000 – Core Beliefs and Commitments)*  
*(cf. 0100 – Philosophy/Theory of Action)*  
*(cf. 0200 – School Accountability)*  
*(cf. 0210 – Goals for Student Learning)*  
*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 5138 – Student Quality Education & Diversity Policy)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

In order to address and remedy the adverse impacts resulting from institutional bias of all kinds, including implicit or unintentional biases and prejudices that affect student achievement, and to eliminate disparities in educational outcomes for students from historically underserved, disempowered and underrepresented populations, the district shall proactively identify class and cultural biases as well as practices, policies, and institutional barriers that negatively influence student learning, perpetuate achievement gaps, impede equal access to opportunities for all students.

The Board establishes this policy to ensure all students from cradle to career, regardless of disability/special education status, ethnicity, gender, gender expression, gender identity, immigration status, language, nationality, parental status, race, religion, sexual orientation, socioeconomic status or association with a person or group with one or more of these actual or perceived characteristics, will have access to equitable resources and opportunities to participate fully in the educational process. To ensure that equity is the intentional result of district decisions, the Board shall consider whether its actions address the needs of all students by seeking to understand the role that power and privilege play in creating inequities and by taking action to effectively remediate the disparities that communities experience in the context of a history of continued exclusion, discrimination, and segregation. Board decisions shall not rely on biased or stereotypical assumptions about any particular group.

*(cf. 5145.31 – Gender and Identity Inclusion)*  
*(cf. 6164.4 – Identification of Individuals with Exceptional Needs)*  
*(cf. 6164.6 – Section 504 of the Rehabilitation Act of 1973)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6174 - Education for English Learners)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 9000 - Role of the Board)*  
*(cf. 9311 - Board Policies)*

The Board and the Superintendent or designee shall develop and implement policies and strategies to promote equity in district programs and activities, through measures such as the following:

1. Routinely assessing student needs based on data disaggregated for identified groups in order to enable equity-focused policy, planning, resource development decisions, and differentiated supports.



*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 6162.5 - Student Assessment)*

2. Analyzing expenditures and allocating financial and human resources in a manner that provides all students with equitable access to district programs, support services, and opportunities for success and promotes equity and inclusion in the district. Such resources include access to high-quality administrators, teachers, and other school personnel; funding; technology, equipment, textbooks, and other instructional materials; facilities; and community resources or partnerships.

*(cf. 0440 - District Technology Plan)*

*(cf. 3100 - Budget)*

*(cf. 4113 - Assignment)*

*(cf. 7110 - Determining Needs)*

3. Enabling and encouraging all students to enroll in, participate in, and complete curricular/extracurricular courses, advanced college preparation programs, and other student activities.

*(cf. 6143 - Courses of Study)*

*(cf. 6145 - Extracurricular and Co-Curricular Activities)*

4. Investing in building an equitable, diverse, and inclusive positive school climate that uses an asset lens to promote student and parent engagement, safety, develop cultural humility, enhance proficiency, and provide academic, social emotional and behavioral supports for all students.

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 5131.2– Anti-Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5142 – Safety)*

5. Adopting curriculum and instructional materials, that accurately reflects and celebrates the diversity by providing a historical understanding of the injustice of exclusion and our journey to equity and inclusion for all student groups.

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

6. Providing and/or collaborating with local agencies and community groups to and ensure the availability of necessary support services for all students.

*(cf. 1230 – School Connected Organizations)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1410 – Local Agencies)*

*(cf. 1700 – Relations Between Private Industry and the Schools)*

*(cf. 6164.2 - Guidance Services)*

*(cf. 6164.5 - Student Success Teams)*

*(cf. 6179 - Supplemental Instruction)*

7. Conducting program evaluations that focus on equity, diversity, and inclusion that address the academic, social emotional and behavioral outcomes and performance of all students on all indicators.

8. Promoting the employment, inclusion, and retention of a diverse staff that reflect the student demographics of the community.



(cf. 4030 – Nondiscrimination in Employment)

9. Providing district staff with ongoing, researched-based, professional learning and professional development on culturally responsive and inclusive instructional practices, social justice and critical consciousness self-evaluation, and multi-cultural education experiences.

(cf. 4131 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 0500 – Review and Evaluation)

The Board shall regularly monitor the intent and impact of district policies and decisions in order to safeguard against disproportionate or unintentional impact on equity, access and inclusion to district programs and achievement goals for specific student populations in need of services.

*Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

200-262.4 Educational equity

52077 Local control and accountability plan

60040 Selection of instructional materials

GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

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

2301-2414 Strengthening Career and Technical Education for the 21st Century Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX

Board Policy FRESNO UNIFIED SCHOOL DISTRICT

Approved: October 16, 2019 Fresno, California

*Policy Section: 0000 Philosophy, Goals, Objectives and Comprehensive Plans*



## Drug-Free Workplace

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

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

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 cocurricular 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 his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the district's prohibition against drug and alcohol use and the actions that will be taken for a violation of such prohibition. An employee will abide by the terms of this policy and notify the district, within five days, of his/her conviction for a violation in the work place of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the work place
2. The district's policy of maintaining drug and alcohol-free workplace
3. Any available drug counseling, rehabilitation, and employee assistance programs  
(cf. 4159/4259/4359 - Employee Assistance Programs)
4. The penalties that may be imposed on employees for drug abuse violations occurring in the Workplace

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the work place. (41 USC 701)

In accordance with law and districts collective bargaining agreements, the 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 health, law enforcement agency or other appropriate agency.



(cf. 4112 – Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 – Suspension/Disciplinary Action)

(cf. 4112 – Appointment and Conditions of Employment)

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

Legal Reference:

#### EDUCATION CODE

44011 Controlled substance offense

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

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

#### GOVERNMENT CODE

8350-8357 Drug-free workplace

#### UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

#### UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

#### UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

#### CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

#### COURT DECISIONS



Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

#### WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

reviewed: April 25, 2001

revised: February 25, 2004

revised: January 25, 2012



## **Drug-Free Workplace**

### **Notice To Employees**

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

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

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

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

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

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

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

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940 and 45304, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.



Pursuant to Education Code 44940, the district must immediately place on compulsory leave of absence any certificated employee charged with involvement in the sales, use, or exchange to minor of certain controlled substance.

Drug and alcohol counseling, rehabilitation, and/or employee assistance is available for district employees through:

Pacific Care Behavioral Health

1-800-842-3321

(cf. 4159 - Employee Assistance Programs)

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Employee's Signature Date

FRESNO UNIFIED SCHOOL DISTRICT

reviewed: May 2001 Fresno, California



## Employee Security

An employee may use reasonable force when necessary to protect himself/herself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49331)

Employees shall promptly report any attack, assault or threat made against them by a student to their principal or other immediate supervisor. Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report any attack, assault or threat made against them on school grounds by any other individual. The employee and supervisor shall follow the same procedures as specified above.

(cf. 3515.2 - Disruptions)

The report also shall be forwarded immediately to the Superintendent or designee, who may act as liaison between the employee, the police, and the courts.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

An employee whose person or property is injured or damaged by willful misconduct of any other individual may ask the district to pursue legal action against the individual.

(cf. 3515.4 - Recovery for Property Loss or Damage)

## Notice Regarding Student Crimes and Offenses

The Superintendent or designee shall inform the teacher of every student in his/her class who has engaged in, or is reasonably suspected of, any act during the previous three years which could constitute grounds for suspension or expulsion, with the exception of the possession or use of tobacco products. This information shall be based upon written district records or records received from a law enforcement agency. (Education Code 49079)

When informed by the court that a student has committed any felony, or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Penal Code 290, assault or battery, larceny, vandalism or graffiti, the Superintendent or designee shall so inform the school principal. The principal shall keep this information in a separate confidential file and give it to the counselors who directly supervise or report on the student's behavior or progress. If the offense involves alcohol, drugs, weapons, assault or battery, larceny, vandalism or graffiti, the principal shall also inform the student's teacher(s). The principal shall also inform any teacher or administrator he/she thinks may need the information so as to work with the student appropriately, avoid being needlessly vulnerable, or protect others from vulnerability. (Welfare and Institutions Code 827)



confidential and used only to rehabilitate the student and protect other students and staff. The information shall be further disseminated only when communication with the student, parent/guardian, law enforcement staff and probation officer is necessary to rehabilitate the student or to protect students and staff. (Welfare and Institutions Code 827)

In order to maintain confidentiality when providing the above information to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the teacher a written notification requesting him/her to review a student's file in the school office. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file may be construed as a waiver of the district's liability.

(cf. 3514 - Environmental Safety)

(cf. 5125 - Student Records)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: June 25, 1992 Fresno, California

revised: August 17, 1994

revised: November 13, 1996

revised: June 1, 2001



## Employee Security

The Governing Board desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

(cf. 3515 - School Safety and Security)

(cf. 5131.4 - Campus Disturbances)

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses.

When violence is directed against an employee by any individual and the employee so notifies the district, the district shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the district of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if an attempt occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

The Board recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

Legal Reference:

### EDUCATION CODE

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

35204 Contract with attorney in private practice or use of administrative advisor

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by student against school employee

44807 Duty concerning conduct of students



48900 Grounds for suspension or expulsion

48902 Notification of law enforcement authorities if student violates assault or controlled substance Provision

48904 Parental liability

48905 Injury or damage to person or property of school district employee; request for legal action

49079 Notification to teacher; student who has engaged in acts constituting grounds for suspension or Expulsion

49330 Definition of injurious object

49331 Removal of injurious object from possession of student by designated employee

## GOVERNMENT CODE

995-996.4 Defense of public employees

3543.2 Scope of representation

## PENAL CODE

71 Threatening public officers and employees and school officials

240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member

242 Definition of battery

243 Battery; definition of "injury" and "serious bodily injury"

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

601 Trespass by person making credible threat



626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking

12403.7 Weapons approved for self defense

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

revised: January 30, 1997

reviewed: June 1, 2001



## **Employees With Infectious Disease**

The Governing Board encourages employees to inform the district of any illness which represents a disability as soon as an individual learns of his/her condition. No employee who is otherwise qualified to work may be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4112.4/2112.4/4312.4 - Health Examinations)

### **Employees with AIDS**

When informed that an employee is infected with AIDS, the Superintendent or designee shall request that the employee sign a release form to provide confidential medical information and records to a medical review panel.

The Superintendent or designee shall then convene the medical review panel, which shall consist of a public health physician who possesses expertise in the diagnosis and treatment of infectious disease, the employee's physician, the employee and/or employee representative, and the Superintendent or designee. No exclusion or modification in the AIDS-infected employee's job duties or assignments shall be made without a recommendation, on a case-by-case basis, by this medical review panel.

To determine whether the employee should continue working in his/her present capacity, including whether the employee can perform the essential requirements of the job with reasonable accommodations and without posing a significant health risk to others, the panel shall weigh the following factors:

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

A report containing the panel's recommendation shall be forwarded to the Board for review and final action.

The condition and job assignment of an AIDS-infected employee shall be reevaluated on a regular basis. The review panel shall reconvene whenever there are changes in the state of medical knowledge about AIDS or changes in the employee's medical regimen or health status which might affect his/her assignment.



## Confidentiality

The Superintendent or designee shall ensure that all employee's rights to confidentiality are strictly observed. The district shall disclose medical record information only to the extent required or permitted by law. Medical records shall be held in strict confidence and only those persons with a clear need to know shall be informed of the employee's health condition.

### Legal Reference:

#### CIVIL CODE

56-56.37 Confidentiality of medical information

#### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

#### HEALTH AND SAFETY CODE

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

#### CODE OF REGULATIONS, TITLE 2

7293.5 et seq.

#### UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans With Disabilities Act

#### CIVIL CODE

56-56.37 Confidentiality of Medical Information

#### COURT DECISIONS

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

#### Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 14, 1995 Fresno, California

reviewed: June 1, 2001



## **Fresno Unified Board Policy (BP) 5145.9**

### **Hate-Motivated Behavior**

The Governing Board is committed to providing a safe learning environment that protects students. The Board prohibits, at any district school or school activity, programs, practices, or school attendance within a school under the jurisdiction of the Superintendent, unlawful discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's actual or perceived race, color, ancestry, ethnicity, national origin, immigration status, sex, sexual orientation, gender, gender identity, or gender expression, religion, age, physical or mental disability, marital status, or parental status, medical information, or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3515.4 - Recovery for Property Loss or Damage)*

*(cf. 5131- Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

*(cf. 5136 - Gangs)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

*(cf. 1020 - Youth Services)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

*(cf. 5148.2 - Before/After School Programs)*

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 6142.94 - History-Social Science Instruction)*

### **Complaint Process**

A student or parent/guardian who feels the student is a victim of hate-motivated behavior shall immediately contact the principal or designee, a teacher or other staff member.



Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

Any staff who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall notify the principal, or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, they shall also contact law enforcement.

*(cf. 3515.3 - District Police Department)*

*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

*(cf. 6164.2 - Guidance/Counseling Services)*

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights. The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*



Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Prohibition of discrimination based on age

Management Resources:

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org> United States Department of Education,

Office of Civil Rights: <http://www.ed.gov/>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: September 22, 1999 Fresno, California

revised: June 13, 2018

revised: December 18, 2019

*Policy Section: 5000 Students*



## **Infectious Disease Education**

The Governing Board is committed to maintaining a healthful environment for all employees. The Superintendent or designee shall respond to concerns about workplace safety and provide district staff with information regarding the prevention of infectious diseases.

(cf. 5141.23 - Infectious Disease Prevention)

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

Legal Reference:

### **HEALTH AND SAFETY CODE**

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

199.82 Information to employees of school district

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

reviewed: June 1, 2001



## **Fresno Unified Board Policy (BP) 4033**

### **Lactation Accommodation**

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

*(cf. 4030 - Nondiscrimination in Employment)*

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.  
(Labor Code 1031, 1032; 29 USC 207)

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). (Labor Code 1034)

The district shall include this policy in its employee handbook or in any set of policies that the district makes 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. (Labor Code 1034)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

### **Break Time and Location Requirements**

The district 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. (Labor Code 1030)

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: (Labor Code 1031; 29 USC 207)



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. (Labor Code 1031)

### **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. (Labor Code 1034)

*(cf. 4144/4244/4344 - Complaints)*

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#### Legal Reference:

##### EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

##### CIVIL CODE

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

##### GOVERNMENT CODE

12926 Definition of sex; breastfeeding

12940 Unlawful discriminatory employment practices

12945 Unlawful discrimination based on pregnancy, childbirth, or related medical conditions

##### LABOR CODE

1030-1034 Lactation accommodation

6382 Procedure for listing hazardous substances

##### CODE OF REGULATIONS, TITLE 2

11035-11051 Unlawful sex discrimination; pregnancy and related medical conditions

##### UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

#### Management Resources:

##### CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

##### CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Lactation Accommodation for Employers

##### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

##### FEDERAL REGISTER

Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244, pages 80073-80079

##### OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

##### HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS



The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly Worksite, Toolkit, 2008

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Frequently Asked Questions- Break Time for Nursing Mothers

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA, rev. April 2018

#### WEB SITES

California Department of Industrial Relations, Division of Labor and Standards Enforcement: <http://www.dir.ca.gov/dlse>

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

California Women, Infants and Children Program: <http://www.wicworks.ca.gov>

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

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers: <http://www.dol.gov/whd/nursingmothers>

Policy FRESNO UNIFIED SCHOOL DISTRICT

Adopted June 16, 2021 Fresno, California

*Policy Section: 4000 Personnel*



## **Fresno Unified Board Policy (BP) 0410**

### **Nondiscrimination In District Programs And Activities**

The Governing Board is committed to equal opportunity for all individuals in education. The District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, religion, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, marital status, medical information, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics in all District acts related to school activities, programs, practices, or school attendance within a school under the jurisdiction of the Superintendent.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 4030 – Nondiscrimination in Employment)*  
*(cf. 4032 – Reasonable Accommodation)*  
*(cf. 4033 - Lactation Accommodation)*  
*(cf. 4119.11/4219.11/4319.11 – Sexual Harassment)*  
*(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)*  
*(cf. 5131.8 – Anti-Bullying)*  
*(cf. 5145.3 –Nondiscrimination/Harassment)*  
*(cf. 5145.7 – Sexual Harassment)*  
*(cf. 5146 – Married/Pregnant/Parenting Students)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 6145.2 – Athletic Competition)*  
*(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)*  
*(cf. 6164.6 – Identification and Education Under Section 504)*  
*(cf. 6178 – Career Technical Education)*  
*(cf. 6200 – Adult Education)*

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

*(cf. 3540 - Transportation)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5145.13 - Response to Immigration Enforcement)*

District programs and activities shall also be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

The Superintendent or designee shall review district programs and activities to ensure the removal of any derogatory or discriminatory name, image, practice, or other barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. They shall take prompt, reasonable actions to remove any identified barrier.



*(cf. 1330 - Use of Facilities)*

All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 Code of Federal Regulations (CFR) 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admissions and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, application forms, or other materials distributed by the district. As appropriate, such notification shall be posted in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations and shall be posted on the district's web site and, when available, district-supported social media.

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 1312.3 Uniform Complaint Procedures)*

*(cf. 4031 – Complaints Concerning Discrimination in Employment)*

*(cf. 4112.91/4212.91/4312.91 – Employee Notifications)*

*(cf. 5145.6 – Parental Notifications)*

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

### **District Compliance Officers**

The Governing Board designates the following compliance officer (s) to receive formal and informal complaints from constituents, including students, and investigate them to ensure district compliance with law (Title II, V, IX, Title 5, Section 504 of the Rehabilitation Act):

Title 5 Compliance Officer  
Constituent Services Office  
Fresno Unified School District  
2309 Tulare Street  
Fresno, California 93721  
(559) 457-3736

Associate Superintendent, Human Resources  
Title IX Officer/Age DA (Discrimination Act)  
Fresno Unified School District  
2309 Tulare Street  
Fresno, California 93721  
(559) 457-3730

Section 504 Coordinator  
Fresno Unified School District  
4784 E. Dayton Avenue  
Fresno, CA 93726  
(559) 457-3308

Special Education Assistant Superintendent  
Special Education Office  
Fresno Unified School District 1  
301 M Street  
Fresno, CA 93721  
(559) 457-3220

Concurrently the Board reaffirms its commitment to promote diversity training, racial harmony among its students, staff and the community; and to promote education that is anti-racist and multicultural.



The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

### **Access for Individuals with Disabilities**

District programs and facilities viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

(cf. 6163.2 – *Animals At School*)  
 (cf. 7110 – *Facilities Master Plan*)  
 (cf. 7111 – *Evaluating Exiting Buildings*)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, assistive technologies or other modifications to increase accessibility to district and school web sites, note-takers, written materials, taped text, and Braille or large print materials. Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to a school-sponsored function, program, or meeting.

(cf. 6020 – *Parent Involvement*)  
 (cf. 9320 - *Meetings and Notices*)  
 (cf. 9322 - *Agenda/Meeting Materials*)

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws is hereby designated as the district's ADA coordinator. They shall receive and address requests for accommodation submitted by individuals with disabilities and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Director of Benefits and Risk Management 2309 Tulare Street  
 Fresno, CA 93721  
 Phone (559) 457-3520  
 Fax (559) 457-3838

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Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination 48980 Parental notifications

48985 Notices to parents in language other than English



51007 Legislative intent: state policy

## GOVERNMENT CODE

8310.3 California Religious Freedom Act

11000 Definitions

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

54953.2 Brown Act compliance with Americans with Disabilities Act

## PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

## CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

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

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42

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

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

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

## CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

## CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI 104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

## Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Protecting Students from Harassment and Hate Crime, January 1999

Notice of Non-Discrimination, January 1999

Nondiscrimination in Employment Practices in Education, August 1991 WEB SITES

CSBA: <http://www.csba.org> CDE: <http://www.cde.ca.gov>

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

## Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: March 12, 1992 Fresno, California

revised: November 13, 1997

revised: August 22, 2012

revised: June 19, 2013

revised: May 14, 2014

revised: May 31, 2017

revised: February 21, 2018

revised: June 13, 2018

revised: December 18, 2019

*Policy Section: 0000 Philosophy, Goals, Objectives and Comprehensive Plans*



## Fresno Unified Board Policy (BP) 4030

### Nondiscrimination In Employment

Fresno Unified is a place where diversity is valued and educational excellence and equity are expected.

The Governing Board desires to provide a safe, positive work environment where all district 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 and persons providing services to the district are included, as applicable.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3312 - Contracts)*

*(cf. 3600 - Consultants)*

*(cf. 4111/4211/4311 - Recruitment and Selection)*

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, 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, or association with a person or group with one or more of these actual or perceived characteristics.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The district 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:

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

*(cf. 4151/4251/4351 - Employee Compensation)*

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

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

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

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

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



transgender status.

*(cf. 4033 - Lactation Accommodation)*

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

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

*(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)*

c. 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.

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

d. 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.

*(cf. 4032 - Reasonable Accommodation)*

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted 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 the district or to disclose information about harassment or other unlawful employment practices. (Government Code 12964.5).

Complaints regarding employment discrimination, harassment, or retaliation shall immediately be investigated in accordance 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 Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district'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 the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

Any district employee who engages in prohibited discrimination, harassment, or retaliation, or who aides, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action up to and including dismissal.

*(cf. 4118 - Suspension/Disciplinary Action)*

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

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

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### 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

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 Record keeping

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

##### 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 CalApp.4th 837

#### **Management Resources:**

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS  
 California Law Prohibits Workplace Discrimination and Harassment  
 Transgender Rights in the Workplace  
 Workplace Harassment Guide for California Employers  
 Your Rights and Obligations as a Pregnant Employee  
 U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
 Notice of Non-Discrimination, August 2010  
 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
 EEOC Compliance Manual  
 Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999  
 WEB SITES  
 U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>  
 U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
 California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT  
 adopted: June 25, 1992 Fresno, California  
 revised: November 13, 1997  
 revised: August 23, 2000  
 revised: February 25, 2004  
 revised: June 19, 2013  
 revised: June 16, 2021

*Policy Section: 4000 Personnel*



## Professional Standards

### Professional Standards

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

(cf. 0000 - Vision)

(cf. 4112.2 - Certification)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 2111 - Superintendent Governance Standards)

(cf. 9005 - Governance Standards)

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: June 25, 1992 Fresno, California

revised: April 29, 2004



## **Fresno Unified Administration Regulation (AR) 4032**

### **Reasonable Accommodation**

Except when undue hardship would result to the district, the Superintendent or designee shall provide reasonable accommodation:

1. In the job application process, to 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 district designates the position specified in AR 4030 – Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

*(cf. 4030 – Nondiscrimination in Employment)*

#### **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 enable 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 the district's other similarly situated employees without disabilities

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 the district. (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 the coordinator that they will need a reasonable accommodation during the process.

When the disability or the need for accommodation is not obvious, the coordinator may ask the employee to supply reasonable documentation about their disability. In requesting this documentation, the coordinator 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 coordinator 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, the coordinator shall request additional documentation that specifies the missing information. If the employee does not submit such additional documentation in a timely manner, the coordinator may require them to submit to an examination by a health care professional selected and paid for by the district.

The district 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)

The coordinator 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 law, the coordinator 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 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 coordinator shall:

1. Determine the essential functions of the job involve
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 the district

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 the district
- d. The type of operation of the district, 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 district 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

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

#### Reasonable Accommodation Committee

The coordinator 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 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 a district 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 the coordinator'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, the coordinator 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 the coordinator 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 the coordinator 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 district's procedure for such complaints.

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

FRESNO UNIFIED SCHOOL DISTRICT

approved: May 16, 2022 Fresno, California

*Policy Section: 6000 Instruction*



## Sexual Harassment

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made either expressly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct by the individual is used as the basis for an employment decision affecting him/her.
3. The conduct has the purpose or effect of unreasonably interfering with the other individual's work performance; creating an intimidating, hostile, or offensive work environment; or adversely affecting the other individual's evaluation advancement, assigned duties, or any other condition of employment or career development.
4. Submission to, or rejection of, such conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the district.

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, an employee, or a non-employee, in the work or educational setting, include, but is 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, gestures or sexually explicit e-mails; displaying sexually suggestive objects.
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over or impeding normal movements.

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

## Notifications

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

1. Be displayed in a prominent location in the main administrative building or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted



2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

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

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with, or otherwise participating in an investigation, proceeding or hearing conducted by DFEH and the EEOC

#### Complaint Process

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

(cf. 4030 - Nondiscrimination in Employment)

#### Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: August 24, 1995 Fresno, California

revised: August 11, 1999

revised: February 23, 2005



## **Fresno Unified Board Policy (BP) 4119.11, 4219.11, 4319.11**

### **Sexual Harassment**

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

The following policy shall apply to all district employees, and other persons with an employment relationship with the district.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination in Employment)*

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

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

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

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

#### **Sexual Harassment Reports and Complaints**

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

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or



denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

*(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)*

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, if appropriate under the circumstances, as set forth in AR 4119.12.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

*(cf. 4117.7/4317.7 - Employment Status Reports)*

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

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

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

##### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

##### UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

##### UNITED STATES CODE, TITLE 42

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

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

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

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

##### COURT DECISIONS



Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026  
 Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275  
 Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257  
 Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989  
 Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998  
 Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

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

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

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

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted June 25, 1992 Fresno, California

revised: March 30, 2005

revised: June 16, 2021

*Policy Section: 4000 Personnel*



**Fresno Unified School District**  
**SEXUAL HARASSMENT – INITIAL COMPLAINT**

Prior to completing, read Board Policy/Administrative Regulation 4119.11

Note: Accurate completion of this form will ensure immediate and thorough investigation of the complaint; an investigation will be conducted promptly and fairly and all information will be confidential; appropriate and immediate action will be taken if the District harassment policy has been violated. No action will be taken against an employee for filing a complaint. The employee filing the complaint will be notified of the outcome of the investigation. This form is to be submitted to the principal or site administrative designee. The receiver of the complaint shall promptly notify the superintendent or designee.

INITIAL REPORT OF INCIDENT	
Complainant Name:	Date(s), Time(s) of Incident(s):
Alleged Victim(s):	Location of Incident(s):
Summary of incident(s): <i>(Attached if needed)</i>	
Name(s) of witness(es):  1. _____ 2. _____ 3. _____ 4. _____ 5. _____	Person to whom report was given:  _____ Date: _____ Person(s) assigned to investigate: _____ Date: _____
Signature of employee filling complaint:  _____ Date: _____	Notes:
Check all that Apply: <input type="checkbox"/> Made remarks with unlawful connotations <input type="checkbox"/> Made derogatory comments <input type="checkbox"/> Told unlawful jokes/stories <input type="checkbox"/> Made unlawful slur(s) <input type="checkbox"/> Touched in an unwelcomed manner <input type="checkbox"/> Moved into an uncomfortable proximity	<input type="checkbox"/> Made sexually suggestive remarks <input type="checkbox"/> Displayed derogatory material <input type="checkbox"/> Displayed sexually suggestive objects <input type="checkbox"/> Spread rumors of a sexual nature <input type="checkbox"/> Information too vague to determine <input type="checkbox"/> _____



**DIVISION OF HUMAN RESOURCES**

Fresno Unified School District

**Sexual Harassment Investigation Report**

Complainant:	Accused:
Date of Incident:	School Site/Department:
Date received:	Received By:
Date(s) of Investigation:	Time of Investigation:
Investigator(s):	
List all witnesses of alleged harassment:	
Purpose of the investigation:	
Procedure used to investigate:	
Allegations in the complaint: (List each allegation separately)	
List steps taken in the Investigation: (List all interviewed and re-interviewed, identify all files and documents reviewed, identify any other work performed during the investigation)	
Findings:	
Action Taken:	
Investigator's Signature:	HR Administrator's Signature:
Date:	Date:



## **Fresno Unified Administrative Regulation (AR) 5145.7**

### **Sexual Harassment**

#### **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 made against another person of the same or opposite sex, in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5131 – Conduct)*

*(cf. 5131.2 – Bullying)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 6142.1 – Sexual Health and HIV/AIDS Prevention Instruction)*

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student'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 student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

*(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)*

#### **Examples of Sexual Harassment**

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation



4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

#### Notifications

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

*(cf. 5145.6 – Parental Notifications)*

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the districts sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the District's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or school district publication that sets forth the school or school district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or Designee shall also post the definition of sex discrimination and harassment as



described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

### Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

*(cf. 5141.4 – Child Abuse Prevention and Reporting)*

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

### Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint Procedures.

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

Other complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy – BP 5145.3, which do not meet the definition of sexual harassment under Title IX, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes they have been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to their teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the Principal or the district's compliance officer designee. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report their observation to the Principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint. In any case of sexual harassment involving the Principal, compliance officer, or any other person whom the incident would



ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

2. Initiation of Investigation: The principal or designee shall promptly initiate an impartial investigation of an allegation of sexual harassment within two school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall consider to have “notice” of the need for an investigation upon receipt of information from a student who believes they have been subjected to harassment, the student’s parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior. If the Principal or designee receives an anonymous complaint or media report about alleged sexual harassment, they shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

3. Initial Interview with the Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Principal or designee shall describe the district’s grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have the opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put their complaint in writing. If the student requests confidentiality, they shall be informed that such request may limit the district’s ability to investigate.

Confidentiality: All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964).

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform them that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*

The Principal or designee shall interview individuals who are relevant to the investigation, including, but not limited to:

- a. The student who is complaining
- b. The person accused of harassment
- c. Anyone who witnessed the reported harassment
- d. Anyone mentioned as having related information

The Principal or designee may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.



When necessary to carry out their investigation or to protect student safety, the Principal or designee may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. If the alleged harasser is a student, their parent/guardian
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Law enforcement and/or child protective services
- f. Legal counsel for the district or the district's Risk Management

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

4. Interim Measures: When an incident of sexual harassment is reported, The Principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of their options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to them. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint, or the sexual harassment occurs off school grounds or outside school- sponsored or school-related programs or activities.

5. Optional Mediation: In cases of student-on- student harassment, when the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and they shall be advised of the right to end the informal process at any time

*(cf. 5138 – Conflict Resolution)*

6. Factors in Reaching a Determination: In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the principal or designee may take into consideration:

- a. How the misconduct affected one or more student's education
- b. The type, frequency and duration of the misconduct
- c. The identity, age and sex of the harasser and the student who complained, and the relationship between them



- d. The number of persons engaged in the harassing conduct and at whom the harassment was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school, involving different students

7. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint the principal or designee shall conclude the investigation and prepare a written report of their findings. This timeline may be extended for good cause. If an extension is needed, the Principal or designee shall notify the student who complained and explain the reasons for the extension. The report shall include the decision and reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee. In addition, the Principal or designee shall ensure that the harassed student and their parent/guardian are informed of the procedures for reporting and subsequent problems. The Principal or designee shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

#### Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

*(cf. 5131.5 – Vandalism and Graffiti)*

2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond

*(cf. 4131 – Staff Development)*

*(cf. 4231 – Staff Development)*

*(cf. 4331 – Staff Development)*

3. Disseminating and/or summarizing the district's policy and regulation regarding sexual Harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community

*(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information) (cf. 5125 – Student Records)*

5. Taking appropriate disciplinary action.

In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which they knew was not true.

If dissatisfied with the district's decision, the complainant may submit their concerns in writing to the Office of Constituent Services within 15 calendar days of receiving the district's decision. The written concerns shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied.

#### Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate, along with



the appropriate administrators, its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, in accordance with AR 5145.7 – Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 – Uniform Complaint Procedures. The Title IX Coordinator/compliance officer(s) may be contacted at:

<p>Teresa Plascencia, Executive Director Constituents Services Office  Fresno Unified School District  2309 Tulare Street, Fresno, CA 93721  Telephone Number: (559) 457-3736  FAX: (559) 457-3933  Email:  Constituent.Services@fresnounified.org</p>	<p>Tangee Pinheiro, Instructional Superintendent  Special Education Office  Address: 1301 M Street, Fresno, CA 93721  Telephone Number: (559) 457-3226  FAX: (559) 457-3258  Email: SPEDLeadership@fresnounified.org</p>
<p>David Chavez, Chief of Human Resources/  Labor Relations/Title IX Coordinator  Division of Human Resources  Fresno Unified School District  2309 Tulare Street, Fresno, CA 93721  (559) 457-3548  FAX: (559) 457-3528  Email: titleix@fresnounified.org</p>	<p>Sean Virnig, 504 Coordinator  Fresno Unified School District  1301 M Street, Fresno, CA 93721  (559) 457-3220  FAX: (559) 457-3258  Email: 504@fresnounified.org</p>

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4118 – Suspension/Disciplinary Action)

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

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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revised: September 10, 1997

reviewed: May 18, 2001

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*Policy Section: 5000 Students*



## **Fresno Unified Board Policy (BP) 5145.7**

### **Sexual Harassment**

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 – Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 – Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

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

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 – Uniform Complaint Procedures)*

*(cf. 5131 – Conduct)*

*(cf. 5131.2 – Bullying)*

*(cf. 5137 – Positive School Climate)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)*

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

#### **Instruction/Information**

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment; including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of



the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students.

6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made

7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues

A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation.

### Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

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

*(cf. 4118 – Dismissal/Suspension/Disciplinary Action)*

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

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

### Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address and prevent repetitive harassing behavior in its schools.

*(cf. 3580 - District Records)*

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity,*



*gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### 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

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

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

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

106.1-106.71 Nondiscrimination on the basis of sex in education programs

##### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

#### Management Resources:

##### CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

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

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

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

##### WEB SITES

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

U.S. Department of Education, Office for Civil



Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy FRESNO UNIFIED SCHOOL DISTRICT

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*Policy Section: 5000 Students*



# District Technology Acceptable Use Policy

**Acceptable use of District Technology occurs where the primary purpose of such use is to improve student learning and prepare students to be career ready graduates.**

By using District technology and networks, Learners implicitly agree to the terms of this Acceptable Use Policy. If a Learner is uncertain about whether a particular use is acceptable, he or she should consult a teacher, administrator or other appropriate District personnel.

**SUMMARY:** *This Acceptable Use Policy (“AUP”) was written to inform students, their families, and District staff about acceptable ways in which Fresno Unified School District (“District”) information technology may be used. The District’s information technology and systems will be referred to as “District Technology” in the rest of this document.*

## District Technology Responsible Use

I am responsible for practicing positive digital citizenship and ethical conduct.

- I will practice appropriate behavior and contributions on websites, social media, discussion boards, media sharing sites, and all other electronic communications, including new technology.
- I will be honest in all digital communication.
- I understand that what I do and post online must not disrupt school activities or compromise school safety and security.
- I will use school appropriate language in all electronic communications, including email, social media posts, audio recordings, video conferencing, and artistic works.
- I will not send and/or distribute hateful, discriminatory, or harassing digital communications, or engage in sexting.
- I understand that bullying in any form, including cyberbullying, is unacceptable.
- I will not seek out, display, or circulate material that is hate speech, sexually explicit, or violent.
- I will not share personal information about myself or others including, but not limited to, names, home addresses, telephone numbers, birth dates, or visuals such as pictures, videos, and drawings for non-educational purposes or non-District business.
- I will not post pictures, student work, or other items that are in violation of FERPA\*.
- I understand that the use of the District technology for illegal, political, or commercial purposes is strictly forbidden.



I am responsible for the use and care of my computer.

- I will bring my computer every day to school, charged and ready for learning.
- I will ensure the computer is secure and safe.
- I will discuss with my parents or guardian expectations regarding the use of the Internet and the device.
- I will not alter, deface, or remove any district labels on my computer.
- I will return borrowed devices in the same condition as it was given to me.

I am responsible for my passwords and my actions on District technology.

- I will not share any school or District usernames and passwords with anyone.
- I will not access the account information of others.
- I will log out of unattended equipment and accounts in order to maintain privacy and security.
- I understand devices issued to students and staff are for learning or District business.

I am responsible for respecting the works of others.

- I will follow all copyright (<http://copyright.gov/title17/>) guidelines.
- I will not download illegally obtained music, software, apps, and other works.

\*Family Education Rights and Privacy Act (FERPA) is a federal law that requires confidentiality of student information. Publicly posting students personal information, student records or graded work is a violation of FERPA. To learn more about FERPA beyond responsible use and posting online please visit <https://studentprivacy.ed.gov/>.

**Definitions:** As used in this document, the word “Learner” includes anyone—employees, students, parents, and guests—who uses District Technology. Only Learners who agree to this Acceptable Use Policy are authorized to use District Technology.

The use of District Technology is offered to students for educational purposes, as a privilege that must be safeguarded by all learners. The District is committed to improving student achievement and preparing all students to be career ready graduates, and uses District Technology for this purpose. District Technology is issued to appropriate staff to perform their job duties.

District Technology includes, but is not limited to, cell phones, computer hardware, laptops, tablets, e-readers, software (including cloud resources), hotspots, local wired and wireless networks, and access to the internet. These items provide tools that can be used to access information and communicate with people, enhance learning, and enable the district to operate efficiently. Technology and people’s use of technology is always changing so it is critical that the District ensure a safe learning environment for students and staff;



safeguards for the privacy of electronic data; and protect the District's technology assets. District Technology remains at all times the property of the District.

## Technology Acceptable Use

This Acceptable Use Policy shall conform to existing district policies including Board Policy 0440 and 0440.1 (Technology Board Policies & Administrative Regulations), as well as established procedures and copyright laws. If any portion of these policies conflicts with federal, state or local laws, those laws take precedence, leaving the remaining policies in this AUP in full effect.

This Technology AUP is intended to:

- Prevent or discourage unauthorized access and other unlawful activities online;
- Prevent or discourage unauthorized disclosure of or access to sensitive information;
- Comply with the Children's Internet Protection Act of 1997 ("CIPA");
- Define policies for managing electronic documents that are the property of the District.
- Enhance teaching and learning;
- Increase safety for students and staff;
- Improve the efficiency of district technology systems;
- Ensure alignment with the District's Core Beliefs and Commitments;
- Ensure compliance with applicable district policies, state and federal laws; and
- Educate students, staff, and others who use the District's technology

**Filtering.** The District will use a variety of technology protection measures on the District's networks to block or filter, to the extent practicable, access to visual depictions that are obscene, pornographic, or harmful to minors, or other content that is not academically relevant. Filtering measures are installed on district devices to protect the user and the device that operate away from the District network. Learners should have no expectation of privacy regarding their use of District property, network, and/or Internet access or files, including email or other forms of communication using District Technology. While our intent is to make computer access available to students to support their educational growth, students may find ways to access inappropriate material as well. Ultimately, parents and guardians are responsible for setting and conveying the standards that their students should follow when using technology. Disabling content filtering technologies on District issued devices or using tools to circumvent the content filter is a violation of this policy.

**Distance Learning and Remote Workers.** I understand that I am bound by the Acceptable Use Policy (AUP) regardless of my physical location. I also recognize that FUSD has limited ability to assist in network-related issues. The District may request reimbursement for lost, stolen, or damaged equipment if negligent. Upon request, users are required to bring their District issued device occasionally for a check-up, re-imaging, or support.



**Staff Issued and One to One Computers.** Laptops and computers issued to students and staff remain the property of the District. I understand that I am responsible for keeping the device safe and only used for their intended purpose while it is in my care. The District may remotely maintain the device by installing software, updating software, or installing security patches.

**Bring your Own Device (“BYOD”).** Some Learners may choose to bring their own technology. BYOD devices must meet or exceed the minimum specifications established by the District for effective learning. Check the Fresno Unified website for current minimum specifications. If Learners do bring their own devices, they are still subject to this AUP to the extent that their device uses District Services and Networks (wired or wireless) to access internal or internet-based information and data. Internet access from BYOD devices will be content filtered while on the District network. The District does not content filter BYOD devices while away from the District network. Students and parents should be aware that devices may be subject to search by school administrators if the device is suspected of a violation of the student misconduct. If the device is locked or password-protected, the student may be asked to unlock the device at the request of a school administrator. The District is not responsible for damage or harm to persons, files, data, hardware, or service interruptions while students are using their device. The property owner assumes any risk or loss by bringing their device.

**eLearning Companion Devices (LCD) Tablets.** Devices issued from the eLearning Companion Device (LCD) Initiative come with a content filter and report usage of the preinstalled educational apps. Disabling content filtering technologies on Learning Companion Devices or using tools to circumvent the content filter is a violation of this policy. The District does not report on home internet activity or location on LCD tablets.

**Lost or stolen devices.** A police report will be filed for lost or stolen devices and the device will be remotely locked if possible. Staff is responsible for reporting lost or stolen devices immediately to Risk Management. Parents report lost or stolen devices to the parent and student help desk.

**Obligations.** Learners and other users are required to follow this policy and report any misuse of District Technology, including the District’s network or the internet to a supervisor or other appropriate District personnel. Access to District Technology is provided primarily for education and District business. Staff may use the internet for incidental personal use during duty-free time.

**Violations.** Violation of these policies may result one or more of the following: disciplinary action and/or termination for employees and temporary staff; termination of contracts for consultants or contract employees; reimbursement to the District for disallowed charges; or dismissal for interns and volunteers. In the case of a student violation, the violation can result in disciplinary action as deemed appropriate by site administration up to and including removal of technology privileges, removal from class, suspension and expulsion. Additionally, individuals



are subject to loss of access privileges, civil, and if warranted, criminal prosecution. The District will attempt to tailor any disciplinary action to the specific issues related to each violation.

## **Unacceptable Uses of District Technology**

Listed below are several examples of inappropriate activities using District Technology. The list is not meant to be all-inclusive but is representative of inappropriate uses. The District reserves the right to take immediate action regarding inappropriate activities that (1) create security and/or safety issues for the District, students, employees, schools, network or computer resources; (2) expend District resources on content that the District in its sole discretion determines lacks legitimate educational content/purpose; or (3) are otherwise determined by District as inappropriate.

Inappropriate activities include:

1. Violating any state or federal law or municipal ordinance, such as, accessing or transmitting pornography; obscene depictions; materials harmful to minors; materials that encourage others to violate the law; confidential information; or copyrighted materials.
2. Criminal activities that can be punishable under the law.
3. Selling or purchasing illegal items or substances.
4. Obtaining and/or using anonymous email or “anonymizer” sites, especially for the purpose of evading the District’s content filtering systems; spamming email accounts; spreading viruses; or conducting phishing attacks.
5. Causing harm to others or damage to their property.
6. Using profane, abusive, or impolite language; cyberbullying, including threatening, harassing, or making damaging or false statements about others; or accessing, transmitting, or downloading offensive, harassing, or disparaging materials.
7. Deleting, copying, modifying, or forging other users’ names, emails, files, or data disguising one’s identity, impersonating other users, or sending anonymous email.
8. Damaging technology equipment, files, data or the network in any way, including intentionally accessing, transmitting or downloading computer viruses or other harmful files or programs, or disrupting any computer system performance.
9. Using any District Technology to pursue “hacking,” whether on targets internal or external to the District or attempting to access information protected by privacy laws.
10. Accessing, transmitting or downloading large files-- in particular, but not limited to, using “torrent” software to illegally download copyrighted digital materials--or using valuable bandwidth for non-academic activities such as network games or serving as a host for such activities.
11. Using email or web services to distribute “chain letters” or any type of “pyramid schemes”.
12. Using web sites, email, networks, or other technology for political uses or personal gain, including advertising, or promoting non-district websites or commercial efforts and



events. District internet and intranet property must not be used for personal benefit. Learners must not intentionally access, create, store or transmit material that may be deemed to be offensive, indecent, obscene, intimidating, or hostile; or material that harasses, insults or attacks others. Learners must not violate any applicable copyright laws. This includes, but is not limited to, the installation of software on district computers for which software the Learner does not have a valid and unexpired software license.

## **Supporting Information or Additional Obligations**

The following information or additional obligations support the District Technology AUP.

### **Network Security and Password Policies**

1. Learners must report any weaknesses in the District's Internet and intranet security or any incidents of possible misuse or violation of this agreement to the District Webmaster, by sending email to: [webmaster@fresnounified.org](mailto:webmaster@fresnounified.org).
2. Learners must not attempt to access any data or programs for which they do not have authorization or explicit consent.
3. District Technology includes networks and services that are shared resources. Learners must not purposefully engage in activities that deliberately degrade the performance of District Technology systems and related Information Technology property; deprive an authorized District Learner access to a District resource; obtain extra resources beyond those allocated; or circumvent the District's security measures.
4. Learners must not download, install or run security programs or utilities that reveal or exploit weaknesses in the security of the District's Information Technology systems and related Information Technology property.
5. All private data must be kept confidential and secure by the Learner. The fact that the data may be stored electronically does not change the requirement to keep information confidential and secure. Rather, the type of information or the information itself is the basis for determining whether the data must be kept confidential and secure. If this data is stored in a paper or electronic format, or if the data is copied, printed, or transmitted electronically the data must still be protected if it is confidential and secured.
6. All software programs, applications, source code, object code, documentation and data shall be guarded and protected.
7. The District reserves the right to remove any content (organizational or personal) on the internet or intranet at any time, without cause or notice.
8. There is no guarantee of personal privacy or access to the District's Technology. The district reserves the right to search and/or monitor any information created, accessed, sent, received, and/or stored in any format by any district employee on district equipment or any equipment connected to the district's network. Please see section on Devices issued by the eLearning Companion Device (LCD) Initiative.
9. All commercial software used on District Technology systems are copyrighted and designated for District use. Learners must abide by all license agreements.



## Password Policy

1. Passwords should be treated as confidential information.
2. No personnel should ask for, or be given, another Learner password, even for support purposes.
3. Passwords should be changed at least every 180 days. However, the district may, at its sole discretion, enforce periodic password changes based on role responsibility and usage.
4. Default passwords should be changed within one day.
5. Password complexity must conform to the password policy based on user's role responsibility, usage or appropriate for learner's age.
6. Passwords must not include your employee number, name, SSN, phone number, birthday, or the name of your department or school.
7. All security violations shall be reported to school or department administration.

## Access Controls, Information Security, and Accountability

1. Departments and schools that have District Technology must provide appropriate access controls in order to monitor and protect business data and associated programs from misuse.
2. All Learners are responsible for managing their own use of District Technology and are accountable for their actions relating to security. Learners are also responsible for reporting any suspected or confirmed violations of this policy to the appropriate management responsible for FUSD Information Technology system security incident handling.
3. Periodic user cybersecurity assessments may be conducted to measure organizational preparedness or to support staff in cyber-safety education.
4. Access to FUSD Information Technology equipment must be properly documented, authorized and controlled.
5. Access authority for each Learner will be reviewed on a regular basis, as well at each job status change such as: a transfer, promotion, demotion, or termination of service.
6. Schools and Departments responsible for the custody and operation of District technology shall be responsible for proper authorization and related technology use, the establishment of effective use, and reporting of performance to management.
7. Some District staff are required to use a VPN or other approved network security procedures to access internal systems or data when working remotely.
8. On termination of the relationship with FUSD all security policies for FUSD apply and remain in force surviving the terminated relationship.

## Document Retention

It is each employee's responsibility to save and/or archive email that he or she receives and wishes thereafter to access, or that are District records and required to be retained by law. Emails must be kept in your online email inbox or archive folder only, or in an appropriate SharePoint or OneDrive Document Repository. Archiving district-related emails outside a Fresno Unified



system is prohibited.

If you store such documents outside of their required locations, you may be subject to disciplinary actions.

## **Incidental Use**

As a convenience to the District Learner community, incidental personal use of District technology is permitted. The AUP Policy still applies to incidental use with the addition of the following limitations:

1. Incidental personal use of District technology by Learners does not extend to family members or other acquaintances.
2. Incidental personal use must not result in direct costs to the District.
3. Incidental personal use must not interfere with the normal performance of an employee's work duties or student learning.

## **Compliance / Regulation Contributed to by this Policy**

This Acceptable Use Policy relies, in part, in requirements or concept from the following:

1. Family Education Rights and Privacy Act 1974 (FERPA)
2. The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
3. Children's Internet Protection Act of 2000 (CIPA)
4. Protection of Pupil Rights Amendment (PPRA)
5. Copyright Act of 1976
6. Foreign Corrupt Practices Act of 1977
7. Computer Fraud and Abuse Act of 1986
8. Computer Security Act of 1987
9. California Ed Code
10. Student Online Personal Information Protection Act (SB1177)



## Acceptance

By signing this Acceptable Use Policy you acknowledge the importance of personal responsibility in adhering to these policies.

### Parent/Guardian Responsibilities:

- Supervise your student’s use of the device outside of the District network.
- Review and discuss the District’s Acceptable Use Policy (AUP) with your student.
- Return the device if requested, or your student withdraws or graduates from Fresno Unified.
- Pay fees associated with replacement or repair of damaged computers.

“I understand and agree to comply with the above-stated district and school policy and procedures and the related Board Policies 0440.1 and 6162.7 and their supporting Administrative Regulations.”

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Signature

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Date

---

Print Name

---

Position or “Student”, School

---

Parent’s Signature  
(If Learner is a student under 18)

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Date



**Fresno Unified Administrative Regulation (AR) 4119.12, 4219.12, 4319.12**  
**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 district employee was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person's participation in unwell come 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 the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking on the basis of sex defined as follows:
  - Forcible Sexual Assault includes any sexual act directed against an employee, forcibly, against the employee's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling. (See 20 USC 1092(f)(6)(A)(v))
  - Non-forcible Sexual Assault includes offenses that do not involve force where the employee is incapable of giving consent, including statutory rape and incest. (See 20 USC 1092(f)(6)(A)(v))
  - Dating Violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the employee, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and/or the frequency of interaction between the persons involved in the relationship. (See 34 USC 12291(a)(10))
  - Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the employee, a person with whom the employee shares a child in common, a person who is cohabitating with or has cohabitated with the employee as a spouse or intimate partner, a person similarly situated to a spouse of the employee under the domestic or family violence laws of the jurisdiction receiving grant monies, or any other person against an adult or youth employee who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. (See 34 USC 12291(a)(8))
  - Stalking, which includes engaging in a course of conduct directed at the employee that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. (See 34 USC 12291(a)(8))

*(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 the district's Title IX Coordinator:

Paul Idsvoog, Chief of Human Resources/Title IX Coordinator  
 Human Resources



Address: 2309 Tulare Street, Fresno, CA 93721

Phone: (559) 457-3730

Email: TitleIX@fresnounified.org

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 the district. (34 CFR 106.30)

The 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 nondisciplinary, non-punitive, 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)

### **Administrative Leave**

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

If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district 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 the district'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 the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district 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, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district 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)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

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

### **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. The district's Title IX complaint process, including any informal resolution process
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, the district 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, the district 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 the district 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, any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained by a party or other source, so that each party can meaningfully respond to the evidence, 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
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 for review and before a decision-maker reaches a determination regarding responsibility, the decision-maker must 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.

The district shall maintain confidentiality and privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws, except as may be permitted or required by law to carry out the purposes of this formal Title IX complaint process.



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 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 60 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, the district 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: (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, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

### **Appeals**

Either party may appeal the district'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, the district shall: (34 CFR 106.45)

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

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, the district 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 nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

## **Disciplinary Actions**

The district 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)

When an employee is found to have committed sexual harassment or retaliation, the district 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 - Dismissal/Suspension/Disciplinary Action)*

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

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

## **Record-Keeping**

The 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 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. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public. (34 CFR 106.45)

*(cf. 3580 - District Records)*

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color,*



*ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### 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

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

##### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

#### Management Resources:

##### WEB SITES

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

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

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

#### Regulation FRESNO UNIFIED SCHOOL DISTRICT

Adopted: May 28, 2021

*Policy Section: 4000 Personnel*



## **Fresno Unified Administrative Regulation (AR) 5145.71 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 student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student'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 student equal access to the district's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking defined as follows:
  - Forcible sexual assault includes any sexual act directed against a student, forcibly, against the student's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling. (See 20 USC 1092(f)(6)(A)(v).).
  - Non-forcible sexual assault includes offenses that do not involve force where the student is incapable of giving consent, including statutory rape and incest. (See 20 USC 1092(f)(6)(A)(v).).
  - Dating violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the student, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and/or the frequency of interaction between the persons involved in the relationship. (See 34 USC 12291(a)(10).).
  - Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the student. (See 34 USC 12291(a)(8).).
  - Stalking which includes engaging in a course of conduct directed at a student that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. (See 34 USC 12291(a)(30).).

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures and BP/AR 5145.7 Sexual Harassment. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 and 5145.7 are concurrently met while implementing the Title IX procedure.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5145.7 – Sexual Harassment)*

### **Reporting Allegations/Filing a Formal Complaint**

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report.



to the Title IX Coordinator within one day of receiving the report:

David Chavez, Chief of Human Resources/Labor Relations/Title IX Coordinator  
 Fresno Unified School District  
 Division of Human Resources  
 Address: 2309 Tulare Street, Fresno, CA 93721 Phone: (559) 457-3548  
 Email: TitleIX@fresnounified.org

*(cf. 5145.7 - Sexual Harassment)*

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

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 the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when 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, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall 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, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

#### Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's



education program or activity, provided that the district 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)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (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 in which the alleged conduct did not occur in the district'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 the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district 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 send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

*(cf. 1312.1- Complaints Concerning District Employees)*

#### Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district 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)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

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
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

#### Written Notice

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. The district's formal Title IX complaint process, including any informal resolution process.
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, new Title IX allegations arise 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 inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

#### Investigation Procedures

During the investigation process, the district's designated investigator 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 the district 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, any evidence that is obtained as part of the investigation that is directly related to the allegations raised in the complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained by a party or other source, so that each party can meaningfully respond to the evidence, 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
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 for review and before a decision-maker reaches a determination regarding responsibility, the decision-maker must 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. (34 CFR 106.45)

The District shall maintain confidentiality and privacy rights of all parties to the complaint in accordance with applicable state and federal laws, except as may be permitted or required by law or to carry out the purposes of this formal Title IX complaint process.

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 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)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall 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

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 60 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, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (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, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process



3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

### Appeals

Either party may appeal the district'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, the district shall: (34 CFR 106.45)

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

An appeal must be filed in writing within 5 school days of receiving the notice of the decision or dismissal, 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.

A written decision shall be provided to the parties within 10 school days from the receipt of the appeal.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

### Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district 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 nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

### Corrective/Disciplinary Actions



The district 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)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. This section does not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive. (Education Code 48900.2, 48915)

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team

*(cf. 6164.5 - Student Success Teams)*

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

When an employee is found to have committed sexual harassment or retaliation, the district 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 - Dismissal/Suspension/Disciplinary Action)*

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

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

## Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. 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, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person



who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

(cf. 1113 - District and School Web Sites)

(cf. 3580 - District Records)

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### 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

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

##### COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

##### WEB SITES

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

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

##### Regulation FRESNO UNIFIED SCHOOL DISTRICT

Adopted: May 28, 2021 Fresno, California

Revised: November 29, 2021

Revised: May 17, 2022

*Policy Section: 5000 Students*



**Tobacco-Free Schools**

To promote the health and safety of all students and staff, the Governing Board bans the use of all tobacco products in all school facilities, at all events held on all district owned or leased buildings and property, and in all school vehicles, by all persons, at all times. This ban extends to all employees, students, and community members. Signs must be posted at each district site/vehicle stating that tobacco use is strictly prohibited.

**Enforcement**

Any individual who observes a violation of the non-smoking policy on school property may report it in accordance with the procedures listed below.

**Students**

Student possession or use of tobacco on school premises or at school sponsored events is a violation of law and Board policy and is not permitted. Students violating this policy shall be subject to discipline in accordance with the district discipline handbook (AR 5131.62). The Board shall provide instruction regarding the effects of smoking on the human body and shall take steps to discourage students from making it a practice to smoke. (Education Code 48901, 51202)

**Staff**

Any violation of the non-smoking policy by a bargaining unit member shall be subject to the disciplinary procedures as provided in the Collective Bargaining Agreement of respective unit members.

Any violation of the non-smoking policy by staff not represented by a bargaining unit will be referred to the appropriate supervisor:

- 1st offense: Counseling Interview
- 2nd offense: Verbal/Written Warning
- 3rd offense: Written Reprimand
- 4th offense: Suspension Without Pay

**Citizens**

Citizens who are observed smoking or using tobacco products on school district property shall be asked to refrain from smoking. If the individual fails to comply with the request, his/her violation of the non-smoking policy will be referred to the building principal or other school district supervisory personnel responsible for the area or program during which the violation occurred. The supervisor shall make a decision on further action which may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent or designee to prohibit the individual from entering school district property for a specified period of



**Tobacco-Free Schools**

The Governing Board finds there is substantial medical evidence that the inhalation of the smoke of tobacco and other substances, both first-hand and second-hand, is a significant cause of respiratory disorders; that it is necessary to provide protection to the public, employees, and students from the unhealthful conditions created by air pollution; and that it is important to provide adult role models for students during their formative years.

(cf. 4159 4259 4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 26, 1993 Fresno, California

reviewed: August 15, 2001

revised: March 10, 2004



## Unauthorized Release Of Confidential Privileged Information

The Governing Board, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

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

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

The district shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

3. Disclosing information that is not confidential

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

(cf. 5125 - Student Records; Confidentiality)

(cf. 9321 - Closed Sessions)

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions



35160 Authority of governing boards

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49079 Pupil records

#### GOVERNMENT CODE

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

#### UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Management Resources:

#### WEB SITES

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

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: August 24, 1995 Fresno, California

reviewed: April 25, 2001

revised: June 9, 2004



2022-23 School Year  
ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)

**To all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties:**

The Fresno Unified School District has the primary responsibility to ensure compliance with applicable state federal laws and regulations and has established Uniform Complaint Procedures (UCP) to address and resolve any complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying in any district educational programs.

The Fresno Unified School District shall investigate all allegations of unlawful discrimination, discriminatory harassment, intimidation, or bullying against any person in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy status, parental status, medical condition, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135 or based on the person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. (5 CCR 4610).

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- |  |  |
|--|--|
| • Accommodations for Pregnant and Parenting Pupils   | • Federal Every Student Succeeds Act                   |
| • Adult Education  | • Local Control and Accountability Plans (LCAP)        |
| • After School Education and Safety Programs   | • Migrant Education                                    |
| • Agricultural Career Technical Education  | • Physical Education Instructional Minutes             |
| • California State Preschool Programs and Health/<br>Safety Issues   | • Pupil Fees   |
| • Child Care and Developmental Programs  | • Reasonable Accommodations to a Lactating Pupil       |
| • Compensatory Education   | • Regional Occupational Centers and Programs           |
| • Consolidated Categorical Aid Program   | • School Plans for Student Achievement                 |
| • Course Periods Without Educational Content   | • School Safety Plans                                  |
| • Education of Pupils (Foster Care, Homeless, former<br>Juvenile Court Pupils, and Children of Military Families | • School site Councils                                 |
|  | • State and Federal Career Technical Education, Career |

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.



Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. A pupil fee complaint shall not be filed later than one year from the date the alleged violation occurred. A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, or equipment, or clothes associated with an educational activity.

Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1 and 51225.2. The notice shall include complaint process information, as applicable.

In order to identify appropriate subjects of state preschool health and safety issues pursuant to HSC Section 1596.7925, a notice shall be posted in each California state preschool program classroom in each school in the district. The notice shall (1) state the health and safety requirements under 5 CCR that apply to California state preschool programs pursuant to HSC Section 1596.7925 and (2) state the location at which to obtain a form to file a state preschool health and safety issues complaint pursuant to HSC Section 1596.7925.

Complaints should be filed in writing and signed by the complainant or complaints may be filed anonymously. However, if complainant wishes to receive a response, the complainant must indicate that a response is required and provide contact information. If a complainant is unable to put their complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist them in the filing of the complaint.

The Governing Board designates the following compliance officer(s) to receive formal and informal complaints from constituents, including students, and investigate them to ensure district compliance with law (Title II, V, IX, Title 5, Section 504 of the Rehabilitation Act):

Equity Compliance Officer  
 Constituents Services Office  
 Address: 2309 Tulare Street Fresno, CA 93721  
 Phone: (559) 457-3736  
 FAX: (559) 457-3933  
 Email: [Constituent.Services@fresnounified.org](mailto:Constituent.Services@fresnounified.org)

Instructional Superintendent  
 Special Education Office  
 Special Education Office  
 Address: 1301 M Street, Fresno, CA 93721  
 Phone: (559) 457-3220  
 FAX: (559) 457-3258  
 Email: [SpedLeadership@fresnounified.org](mailto:SpedLeadership@fresnounified.org)

Chief of Human Resources  
 Title IX Officer/AgeDA (Discrimination Act)  
 Human Resources  
 Address: 2309 Tulare Street, Fresno, CA 93721  
 Phone: (559) 457-3730  
 FAX: (559) 457-3528  
 Email: [titleix@fresnounified.org](mailto:titleix@fresnounified.org)

District 504 Coordinator  
 Fresno Unified School District  
 Address: 1301 M Street, Fresno, CA 93721  
 Phone: (559) 457-3308  
 FAX: (559) 457-3258  
 Email: [504@fresnounified.org](mailto:504@fresnounified.org)



Complaints alleging unlawful discrimination, discriminatory harassment, intimidation or bullying must be filed not later than six (6) months from the date the alleged incident occurred or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, discriminatory harassment, intimidation or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. As appropriate for any complaint alleging retaliation, unlawful discrimination, discriminatory harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of the complainant confidential to the extent that the investigation of the complaint is not obstructed. Complaints shall be investigated in a manner that protects the confidentiality of the parties and maintaining the integrity of the process.

Complaints will be investigated, and a written decision or report will be sent to the complainant within sixty (60) calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. The Local Educational Agency (LEA) person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the LEA's decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the LEA's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if they are dissatisfied with the district's decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's decision. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys.

The district prohibits retaliation in any form for filing a complaint and shall ensure that complainants or anyone who has acted to uncover or report a violation subject are protected from retaliation. The UCP shall also be used when addressing complaints alleging retaliation against a complainant or other participant in the complaint process. A copy of the Fresno Unified School District's UCP policy and complaint procedures shall be available free of charge and is available on the district's website.

*Revised: June 10, 2022*



## **Fresno Unified School District (AR) 1312.3**

### **Uniform Complaint Procedures**

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

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

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional materials)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

It is the policy of the district to prohibit all forms of unlawful discrimination, discriminatory harassment intimidation, and/or bullying in all aspects of the school environment, including all academic, extracurricular and school-sponsored programs, activities and practices.

The district shall follow uniform complaint procedures to resolve any complaints alleging unlawful discrimination, discriminatory harassment, intimidation, and/or bullying in any district educational programs, including all academic, extracurricular and school sponsored activities based on actual or perceived characteristics of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment; or any other characteristics identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135 or based on association with a person or group with one or more of these actual or perceived characteristics.

The District will take immediate steps to stop, remedy, and prevent unlawful discrimination, discriminatory harassment, intimidation, and/or bullying, and remedy the discriminatory effects on the target of unlawful discrimination and others. In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

The District prohibits retaliatory behavior or action against any person who reports unlawful discrimination, discriminatory harassment, intimidation, and/or bullying, files a complaint, testifies, or otherwise participates in the complaint process.

#### **District Compliance Officers**

The district designates the following individual(s) identified below as the employee(s) responsible for coordinating the district's response, along with the appropriate administrators, to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law (Title II, V, IX, Title 5, Section 504 of the Rehabilitation Act):

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*



Executive Director/Equity Compliance Officer  
 Constituents Services Office  
 Fresno Unified School District  
 2309 Tulare Street, Fresno, CA 93721  
 (559) 457-3736  
 Constituent.Services@fresnounified.org

Instructional Superintendent  
 Special Education Office  
 Fresno Unified School District  
 1301 M Street, Fresno, CA 93721  
 (559) 457-3220  
 Spedleadership@fresnounified.org

Chief of Human Resources  
 Title IX Officer/AgeDA (Discrimination Act)  
 Human Resources  
 Fresno Unified School District  
 2309 Tulare Street, Fresno, CA 93721  
 (559) 457-3730  
 titleix@fresnounified.org

District 504 Coordinator  
 Fresno Unified School District  
 Address: 1301 M Street, Fresno, CA 93721  
 (559) 457-3308  
 504@fresnounified.org

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

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

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

*(cf. 4331 - Staff Development)*

*(cf. 9124 – Attorney)*

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

#### Notifications

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

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures (UCP) including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students to students, employees, parents/guardians, the district advisory



committees, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013; 49069.5, 51225.1, 51225.2, 5 CCR 4622)

*(cf. 0420 – School Plans/Site Councils)*  
*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 1220 – Citizen Advisory Committees)*  
*(cf. 3260 – Fees and Charges)*  
*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*  
*(cf. 5145.6 – Parental Notifications)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6173.3 - Education for Juvenile Court School Students)*

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

*(cf. 1113 - District and School Web Sites)*  
*(cf. 1114 - District-Sponsored Social Media)*

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

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall include:

1. The title of the position(s) responsible for processing complaints, the identity of the person(s) currently occupying that position if known, and a statement that such persons will be knowledgeable about the laws and programs that they are assigned to investigate
2. Advise the complainant of any civil remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available to them under state or federal laws prohibiting discrimination, discriminatory harassment, intimidation, and/or bullying laws, if applicable
3. Advise the complainant of the appeal process including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group, and a list of all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy.
  - b. A UCP complaint, except a compliance alleging unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying), must be filed no later than one year from the date the alleged violation occurred. The complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination, (such as discriminatory harassment,



intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, discriminatory harassment, intimidation or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.

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

e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances. If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take immediate steps to prevent discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for their participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP. A complaint regarding student fees or the LCAP may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

h. A foster youth shall receive information about educational rights related to their educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of their credits, records, and grades when they transfer between schools or between the district and another district.

i. The district will post a standardized notice of the educational and graduation requirements of foster youth, homeless students, children of military families, and former juvenile court school students now enrolled in the district, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

j. A foster youth or homeless student, or former juvenile court school student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to: i. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

ii. Not require the student to retake any course or a portion of a course which they have satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

iii. If the student has completed their second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which they may be exempted pursuant to Education Code 51225.1

k. For programs within the scope of the UCP as specified in the accompanying Board policy, the complainant has a right to appeal the district's investigation report to the California Department of Education (CDE) by filing a written appeal, including a copy of the original complaint and the district's decision, within 30 calendar days of receiving the district's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if they are dissatisfied with the district's decision.

l. Copies of the district's uniform complaint procedures (UCP) are available free of charge.



### District Responsibilities

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

### Step 1: Filing of Complaints

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy; such as adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, may be filed by any individual, public agency, or organization. (5 CCR 4600)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee.
  - (a) However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.
  - (b) For complaints related to the LCAP, the date of the alleged violation is the date when the County Superintendent of Schools approves the LCAP that was adopted by the Governing Board. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges having personally suffered unlawful discrimination, a person who believes that any specific class of individuals has been subjected to unlawful discrimination, or a duly authorized representative who alleges that an individual student has been subjected to discrimination, harassment, intimidation, or bullying.
4. The complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
5. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
6. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), when they are not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

The district shall ensure that complaint procedures contain confidentiality safeguards for immigration status information. In addition, the district's complaint procedures will not use or collect confidential information or documents regarding citizenship or immigration status of pupils or their family members.



### Step 2: Mediation

Within three business days after the compliance officer receives the complaint, the compliance officer(s) may informally discuss with all parties the possibility of using mediation to resolve the complaint. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer(s) shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination (such as discriminatory harassment, intimidation or bullying), the compliance officer(s) shall ensure that all parties agree to permit the mediator access to all relevant confidential information. The compliance officer(s) shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer(s) shall proceed with their investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation. (5 CCR 4631)

### Step 3: Investigation of Complaint

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

Within 1 business day of initiating the investigation, the compliance officer(s) shall provide the complainant and/or their representative an opportunity to present the information contained in the complaint to the compliance officer(s) and shall notify the complainant and/or their representative of the opportunity to present the compliance officer(s) any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

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

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support



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

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

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

In case of investigations pertaining to any complaints regarding state preschool health and safety issue, the preschool program administrator or the designee of the Superintendent shall (1) make all reasonable efforts to investigate any problem within their authority. Investigations shall begin within 10 days of the receipt of the complaint and (2) remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received and report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the preschool program administrator makes this report, the administrator shall also report the same information in the same timeframe to the designee of the district superintendent.

#### Step 4: Timeline for Investigation Report

Unless extended by written agreement with the complainant, the compliance officer(s) shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Investigation Report" below, within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Investigation Report" below. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, shall be sent the district's investigation report, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

#### Step 5: Investigation Report

The district's investigation report shall be in writing and sent to the complainant within 60 days from receipt of the complaint by the district, subject to any extension under subsection listed above. (5 CCR 4631)

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



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

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

1. The findings of fact based on the on evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion providing a clear determination for each allegation as to whether the district is in compliance with the relevant of law

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

3. Corrective action(s), whenever the district finds merit in the complaint, including, when required by law, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

4. Notice of the complainant's right to appeal the district's investigation report (decision) within 15 calendar days to the CDE, except when the district has used the UCP to address a complaint not specified in 5 CCR 4610 and

5. Procedures to be followed for initiating such an appeal to CDE

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

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment,



intimidation, and bullying), the investigation report shall also include a notice to the complainant that:

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

#### Corrective Actions

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

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

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

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

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

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

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



tolerate it, and how to report and respond to it.

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

If a complaint alleging noncompliance with the laws regarding reasonable accommodations to a lactating pupil, course periods without educational content (grades 9-12), and education of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families is found to have merit, the district shall provide a remedy to the affected pupil subject to procedures established by regulation of the State Board of Education. (Education Code 222, 48853.7, 49013, 51223, 51228, and 52075)

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

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

#### Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's investigation report on a complaint regarding any specified 9 federal or state educational program subject to UCP may file an appeal in writing with the CDE within 30 calendar days of receiving the district's investigation report. (5CCR 4632)

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

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

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

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



## 6. Other relevant information requested by the CDE

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

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists; including cases in which the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

### Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

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

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

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

### Regulation FRESNO UNIFIED SCHOOL DISTRICT

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*Policy Section: 1000 Community Relations*



## **Fresno Unified Board Policy (BP) 1312.3**

### **Uniform Complaint Procedures (UCP)**

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

#### **Complaints Subject to the UCP**

The district's Uniform Complaint Procedures (UCP) shall be used to investigate and seek to resolve the following complaints regarding the following programs and activities:

1. Any complaint alleging district failure to comply with applicable state or federal laws and regulations governing any program subject to the UCP which is offered by the district, including but not limited to allegations of discrimination, discriminatory harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities, such as adult education programs, accommodations for pregnant and parenting pupils, After School Education and Safety programs, migrant education, agricultural career technical education, state and federal career technical and technical education and technical training programs, child care and development programs; compensatory education; the federal Every Student Succeeds Act; Regional Occupational Centers and Programs, school safety plans, California State Pre-school Programs, consolidated categorical aid programs, and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5148.3 - Preschool/Early Childhood Education)*  
*(cf. 6171 - Title I Programs)*  
*(cf. 6175 - Migrant Education Program)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work-Based Learning)*  
*(cf. 6178.2 - Regional Occupational Center/Program)*  
*(cf. 6200 - Adult Education)*

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), in district programs and activities, against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy status, parental status, physical or mental disability, medical condition sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or including any actual or perceived characteristic as set forth in Section 422.55 of the, Penal Code on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*



*(cf. 5145.31 – Gender and Identity Inclusion)*  
*(cf. 5145.7 – Sexual Harassment)*  
*(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)*  
*(cf. 5146 – Married/Pregnant/Parenting Students)*

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodations to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

*(cf. 5146 – Married/Pregnant/Parenting Students)*

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

*(cf. 5146 – Married/Pregnant/Parenting Students)*

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay pupil fees, deposits, or other charges for participation in educational activities (5 CCR 4610; Education Code 49010-49013)

*(cf. 3260 – Fees and Charges)*

6. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan (LCAP), including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

*(cf. 0460 – Local Control and Accountability Plan)*  
*(cf. 3100 – Budget)*

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000- 65001)

*(cf. 0420 – School Plans/Site Councils)*

8. Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)

*(cf. 6173 – Education for Homeless Children)*  
*(cf. 6173.1 – Education for Foster Youth)*  
*(cf. 6173.2 – Education of Children of Military Families)*  
*(cf. 6173.3 – Education for Juvenile Court School Students)*

9. Any complaint by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)



*(cf. 6173.3 - Education for Juvenile Court School Students)*

10. Any complaint, by or on behalf of a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children)*

11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to course periods without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.1-51228.3)

*(cf. 6152 - Class Assignment)*

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51222, 51223)

*(cf. 6142.7 - Physical Education and Activity)*

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with State Preschool Health and Safety issues in districts exempt from licensing standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235-8239.1; Health and Safety Code 1596.7925)

14. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

15. Any other state or federal educational program the Superintendent of Public Instruction or designee deems appropriate

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

The Board acknowledges and respects every individual's right to privacy. The district shall ensure that complainants are protected from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if their different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment,



intimidation or bullying laws.

The district will ensure annual dissemination of a written notice of the complaint procedures to students, employees, parents or guardians of the students, school and district advisory committees, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. The UCP Annual Notice will be provided in writing to all six required groups each year and will include information on how to appeal to the California Department of Education (CDE).

A copy of this UCP complaint policies and procedures document shall be available free of charge and is available on the district's website.

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 3580 - District Records)*

#### Non-UCP Complaints

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

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency. (5 CCR 4611)

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)

3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved

by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a



settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with AR 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)

6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)

7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with BP 3555 - Nutrition Program Compliance. (5 CCR 15582)

8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and misassignments, shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### Legal Reference:

#### EDUCATION CODE

200-262.4 Educational equity; prohibition of discrimination on the basis of sex

18100-18203 School libraries

32221.5 Insurance for athletic team members

32280-32289 School safety plan

35186 Williams uniform complaint procedure

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student Fees

49060-49079 Student records

49069.5 Records of foster youth

49490-49590 Child Nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

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

51226-51226.1 Career technical education

51228.1-51228.3 Course periods without educational content

52059.5 Statewide system of support

52060-52077 Local control and accountability plan, especially

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

52300-52462 Career-technical education

52500-52616.24 Adult schools

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs



59000-59300 Special schools and centers  
 64000-64100 Consolidated application process; school plan for student achievement  
 65000-65001 School site councils  
 8200-8538 Child care and development programs  
 8500-8538 Adult basic education

#### GOVERNMENT CODE

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

#### HEALTH AND SAFETY CODE

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

#### HEALTH AND SAFETY

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

#### PENAL CODE

422.55 Hate crime; definition  
 422.6 Civil rights; crime

#### CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

#### CODE OF REGULATIONS, TITLE 5

3200-3205 Special education compliance complaints  
 4600-4670 Uniform complaint procedures  
 4680-4687 Williams uniform complaint procedures  
 4900-4965 Nondiscrimination in elementary and secondary education programs

#### UNITED STATES CODE, TITLE 20

1221 Application of laws  
 1232g Family Educational Rights and Privacy Act (FERPA) of 1974  
 1681-1688 Title IX of the Education Amendments of 1972  
 6301-6576 Title I Improving the Academic Achievement of the Disadvantaged  
 6801-7014 Title III language instruction for limited English proficient and immigrant students

#### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
 6101-6107 Age Discrimination Act of 1975  
 11431-11435 McKinney-Vento Homeless Assistance Act  
 12101-12213 Title II equal opportunity for individuals with disabilities

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy  
 100.3 Prohibition of discrimination on basis of race, color or national origin  
 104.7 Designation of responsible employee for Section 504  
 106.1-106.82 Nondiscrimination on the basis of sex in education programs, especially:  
 106.8 Designation of responsible employee for Title IX  
 106.9 Notification of nondiscrimination on the basis of sex  
 110.25 Notification of nondiscrimination on the basis of age

#### Management Resources:

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

#### WEB SITES

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

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

Policy FRESNO UNIFIED SCHOOL DISTRICT



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*Policy Section: 1000 Community Relations*



## **Use Of District Technology, Networks, Internet Services And Information Services**

The district provides technology, networks and Internet services for the specific and limited purpose of achieving the district's goals and accomplishing its educational and organizational purposes. Other uses are prohibited, except as authorized herein. District technology, networks and Internet services are not provided as a public, student, or employee forum. FUSD technology, networks and Internet services remain at all times the property of the district. The district shall be the only approved provider of district information services to include e-mail. The district has final authority to approve or reject any and all links and references to electronic information. The Superintendent or designee must approve any exceptions.

### **No Expectation of Privacy**

Use of district technology, networks, and Internet services does not create any expectation of privacy. The district reserves the right to search and/or monitor any information created, accessed, sent, received, and/or stored in any format by any district user. Parent/guardians shall have the right to examine their student's electronic files, including electronic communications, if the information is accessible by district staff in accordance with education or Penal Codes.

### **User Responsibilities**

District technology shall not be used to produce, distribute, access, use, or store information which:

1. Is prohibited by law, district or school rules;
2. Is obscene, pornographic, sexually explicit, or harmful as defined in subdivision(a) of Penal Code 313. Harmful matter includes, but is not limited to, matters, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct which lacks serious Literary, artistic, political or scientific value to minors;
3. Advertises or promotes non-district commercial endeavors;
4. Would subject the district or the individual to criminal, civil or administrative liability for its use, production, distribution, access or storage (e.g., is fraudulent or intentionally misleading, defamatory, racist, or denigrates persons based upon protected classifications, constitutes sexual harassment, etc.) Protected classifications include: race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs;
5. Violates copyright laws;
6. Is obtained by trespassing in private or confidential files;
7. Willfully causes delay, disruption or harm to district systems and programs;
8. Is otherwise prohibited in the workplace or on a school campus;



9. Would reveal personal or confidential information;

10. Falsely represents the users identity;

11. Amount to vandalism. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy district equipment or materials or the data of any other user. Any vandalism will result in the loss of access to the district's system and all electronic information services, disciplinary action and legal referral.

No user may alter work, except his/her own, without the author's permission. Users assume personal responsibility and liability, both civil and criminal, for unauthorized use of district technology, Internet services and information services. Users have responsibilities to report any security problem or misuse of the network to district staff.

Trespass is defined as the unauthorized access to confidential files or the unauthorized access, use, or distribution of, or allowing another person without valid authorization access to, confidential information contained in electronic files.

#### Students

Use of district technology, networks and Internet services is a privilege, which may be restricted or revoked at any time. Anyone who uses a district technology or district access to networks or the Internet agrees to comply with district policies and regulations, school rules, and rules of any network accessed. Students using district technology and equipment are expected to follow the directions of teachers and school staff. District technology may not be used for commercial purposes, including auctioning, selling, offering, providing or purchasing goods or services for personal use. Student who violate usage rules may lose their privileges, and/or be subjected to discipline.

#### Employees

Employees may be required to use technology to fulfill their job responsibilities. District rules for appropriate usage shall apply to all uses of district technology, networks, and Internet services. Anyone who use district technology, district access to networks, Information Services or the Internet agrees to comply with district policies and regulations, division and/or department rules, and rules of any network accessed. District technology may not be used for personal commercial purposes, including selling, auctioning, buying, and offering or providing goods or services, nor the promotion of personal opinions. Work produced by any employee using district technology shall be the property of the district. All purchases for school/district purposes shall be made in accordance with district rules and procedures. Misuse of district technology equipment and/or programs may result in discipline, up to and including dismissal.

(cf. 3310 et seq. - Purchasing Procedures)

#### Guests

The Superintendent or designee may permit a "Guest" to have limited term access to district technology and networks for a specific district-related purpose requiring such access if the "Guest" has signed a district user agreement.



Guest is defined as a parent/guardian, vendor, student or responsible adult.

## Passwords

Passwords are to be assigned to individuals. Assigned passwords shall not be shared or used by anyone else except a student's teacher, an employee's supervisor, authorized computer maintenance and repair personnel, or other personnel designated by the division's Assistant Superintendent.

## Confidential Records

Student and employee records on district technology are confidential. Anyone accessing these records agrees to keep all information in the records confidential and to use it only for legitimate purposes. Access to student and employee records is governed by Board policies. Students shall not have access to employee or student records. Assistant

Superintendents or their designees may permit a guest to have limited access to secured networks and confidential records for a specific district-related purpose requiring such access. Anyone who intentionally accesses or changes student or employee records or district secured networks without specific authorization may be subject to disciplinary actions and may be referred to legal authorities.

(cf. 4112.6 - Personnel Records)

(cf. 5125 - Student Records: Confidentiality)

## District Secured Networks

Any equipment connected to district networks must meet district regulations and technical standards. It is not permitted to make modifications to network servers and workstation network settings without authorization from Technology Services.

## Remote Access

Access to district secured networks from locations other than district schools or offices is available only via district approved secured communication lines and may be authorized only by the Superintendent or designee. Technology Services must approve modems attached to any district network.

The Superintendent or designee will annually inform parents/guardians and employees of the district limitations of liability regarding the use of technology, networks, or Internet services. The district accepts no responsibility or liability for access or lack of access to technology, networks, or Internet services. On any system there is a potential for loss of data, interruption of services, and inaccurate or unreliable information. The district makes no warranties for services or data, and is not liable for damage to or loss of work using district technology. The district will not be responsible for financial or other obligations arising from the unauthorized use of district technology, networks, or the Internet.



## Access to Inappropriate Matter

Parents/guardians are advised that the district has no control over information available on the Internet and is limited in its ability to control access to inappropriate information.

Parents/guardians are encouraged to discuss their expectations for appropriate activities on the Internet with their student. The district shall install maintain software that limits access to inappropriate, unreliable, or harmful material pursuant to the timing and requirements of the Children's Internet Protection Act; however such software may or may not adequately protect student from accessing such material. Blocking software may, if installed, does not relieve the user of his/her personal responsibility not to access inappropriate or harmful materials. At the request of an adult for bonafide use or other lawful use, any blocking software installed may be temporarily disabled if permitted by the Superintendent or designee. Parents/guardians are advised that it may be possible using district Internet services for a student to purchase goods and services for which the student's parent/guardian may be liable. The district is not liable for student uses of or access to the Internet that is in violation of the district's rules.

## Electronic Libraries

Guidelines for access to information have already been established in the federal Library Bill of rights of 1980. These principles can be applied to the Internet. School libraries build collection of resources which support the curriculum and which are consistent with the philosophy, goals, and objectives of the school district. This means that students have the rights to information, but the district has the right to restrict any information that does not apply to the approved curriculum.

## Parent/Guardian Rights

Parents/guardians may specifically request, in writing, that their student not be given access to the Internet or electronic mail (e-mail). Such written requests must be sent to the principal of any school the student attends.

## Classroom Use

Information available using technology, networks and the Internet, which is used in the classroom, should be in compliance with the Board's policies and district procedures governing the selection of instructional materials. Teachers are expected to use classroom materials and give assignments that are age appropriate and relevant to the course objectives, preview information that will be presented to students, direct students in appropriate research activities, and help students learn to analyze the accuracy of information accessed. Staff will provide developmentally appropriate guidance to students as they use telecommunications and electronic information resources. Staff will inform student of their responsibilities as users of district technology, networks, and Internet services. Students will be held responsible for complying with all school rules including rules for the use of district technology, networks, and Internet services. School administrators and teachers will ensure that students using technology are appropriately supervised. However, school cannot guarantee that each student will be directly supervised at all times.

(cf. 6161.1 - Selection and Adoption of Basic Instructional Materials)

(cf. 6161.4 - Selection of Supplementary instructional/Educational Materials)



## Electronic Communication/E-Mail

District users, as a district representative, are expected to communicate in a professional manner, consistent with state laws and district and school rules. Electronic communications should not be considered confidential, private or protected. Users should never reveal or respond to requests for personal information about themselves or others, such as a home telephone, numbers and address, personal habits, or confidential district information such as student records. electronic communication resources are not provided as a public, student, or employee forum. Sending unnecessary messages to a large number of people is prohibited.

Participation in news groups, chat rooms, message boards and clubs may be permitted only for work-related communication. Electronic communication users shall immediately notify their supervisor if they receive a message they believe is inappropriate.

### Employee E-Mail

District employees will be provided with e-mail accounts for work-related communication. In using e-mail, employees are expected to follow the same guidelines that govern employee use of other district resources, such as district telephones. Work-related e-mail may be sent to a group of district users, such as central office of elementary secretaries. The sender should select an appropriate group. A message should not be sent to everyone unless the message applies to everyone. E-mail is not provided as a public forum and should not be used to broadcast personal opinion or personal information or advertisements.

Teachers may establish an employee e-mail account for district business communication, and a classroom account for instructionally appropriate e-mail communication by student groups.

### Student E-Mail

Student teams may have e-mail communication opportunities through a shared classroom account. Individual students will not be given e-mail accounts on the district e-mail server. The principal of the school must approve request for classroom accounts. Electronic communication users shall immediately notify their teacher or principal if they receive a message they believe is inappropriate.

## Internet Regulation

Fresno Unified School District electronic services remain at all times the property of the district. Any district information published on the Internet must be consistent with these regulations.

### 1. General

The internet is a valuable communication tool, which parents/guardians, students, and staff depend on for timely, accurate information. Student involvement in web page production can be excellent way to teach and train; however, careful monitoring of content, spelling, grammar and student information is required. Because district related websites are closed forums for expression, the district shall have sole authority concerning what materials may be published on such websites. Final authority over what is published on district related websites shall rest with the Superintendent or designee. The purpose of such restrictions is to assure that any information



published on a district related website is consistent with Board policies and presents a healthy educational focus of Fresno Unified School District to the public.

## 2. Purpose

The district provides Internet publication opportunities for the specific and limited purpose of achieving the district's goals and accomplishing its educational purposes. The purposes of any district Internet publication shall be for public information about the district, a school, or instructional activities.

## 3. Use

The district shall be the only approved provider of Internet service. The Superintendent or designee must approve any exceptions. Use of district Internet service is restricted to district departments, schools, and other district purposes. Any school or office publishing approved Internet information shall also be responsible for updating that information. The district's Internet services are not provided as a public, student, or employee forum. Internet pages for private nondistrict use are not permitted. The Superintendent or designee must approve any exceptions.

## 4. District Review

The district reserves the right to monitor all information on its servers and to change or delete information at any time.

## 5. Student Information

Student information is private and protected, and the release of any personally identifiable student information, including photographs and student work, must be in accordance with district policies and regulations on student records and Internet publications. Written permission must be obtained from parents or guardians and students before publishing student work, student digital images or videos containing students. No information may be released about a student if the student's parent or guardian has made a written request to the school principal not to have information released. Information published on the Internet may identify student by initials, but not by name. No photographs of individual students will be published. Group photographs of students may be published provided initials do not personally identify students and provided no parent/guardian has objected.

## 6. Copyright Clearance

District policies and existing laws on copyright shall govern materials accessed through networks and the Internet. To republish text or graphics on the Internet, the Superintendent or designee must have written permission from the owner to use any copyright protected work. In addition, there must be a notice crediting the original producer and noting how and when written permission was granted. Or, printed evidence must be provided to document the material's public domain status.

## 7. Required Content



Each Internet page must follow Fresno Unified School District's Web Page Guidelines, which are posted on the district website.

#### 8. Internet Publication Links

Internet pages may not contain information or be linked to pages that contain information about any activity prohibited by law or district rules or school. Any commercial images and information in classrooms or on district technology must be incidental to the educational value of the material. Commercial links from district Internet pages must be consistent with these and other regulations in effect within the district.

#### Penalties for Improper Use

The consequences for violation of AR 0440.1 may include, but are not limited to, any one or more of the following:

- w Suspension of district technology privileges;
- w Revocation of district technology privileges;
- w Suspension of computer access;
- w Revocation of computer access;
- w School suspension (student only);
- w Expulsion (student only);
- w Disciplinary action up to and including dismissal (employees only);
- w Referral to legal authorities for prosecution under Penal Code 502.

Regulation FRESNO UNIFIED SCHOOL DISTRICT

approved: October 8, 2001 Fresno, California



## **Use Of District Technology, Networks, Internet Services And Information Services**

The Governing Board recognizes the value of technology, networks, and Internet services in helping the district achieve its educational purposes. The use of technology, networks, and Internet services can enhance the educational program and help students develop the knowledge and skills they need to be successful. In addition, the use of technology, networks, Internet services and information services can help staff support the educational program, strengthen district communications, and improve operational efficiency.

The district provides technology, networks, Internet services and information services for the specific and limited purpose of achieving the district's goals and accomplishing its educational and organizational purposes.

The Superintendent or designee shall develop specific regulations and appropriate disciplinary actions regarding use of district technology, networks, Internet services and information services. The regulations shall address access by students, employees and authorized guests to the Internet and on-line sites that contain or make reference to harmful matter as defined in subdivision (a) of Penal Code Section 313.

1. Technology is defined as personal digital assistants (PDA), cell phones, computers, computer peripherals, digital cameras, video cameras, two-way communication devices, pagers, Internet appliances and any electronic devices attached to the district's networks.
2. Networks are defined as the infrastructure necessary to transport voice, data, or video networks within the district.
3. Internet Services are defined as any services provided by the district, which gives access to the Internet.
4. Information Services are defined as those electronic resources necessary to conduct the district's business.
5. Harmful matter includes, but is not limited to, matters, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value to minors.

(cf. 5144 - Discipline)

Legal Reference:

### **EDUCATION CODE**

51006 Computer education and resources

51007 Programs to strengthen technological skills



60011 Instructional materials definition

60017.1 Technology-based materials

UNITED STATES CODE, TITLE 20

6801-7005 Technology for Education Action of 1994

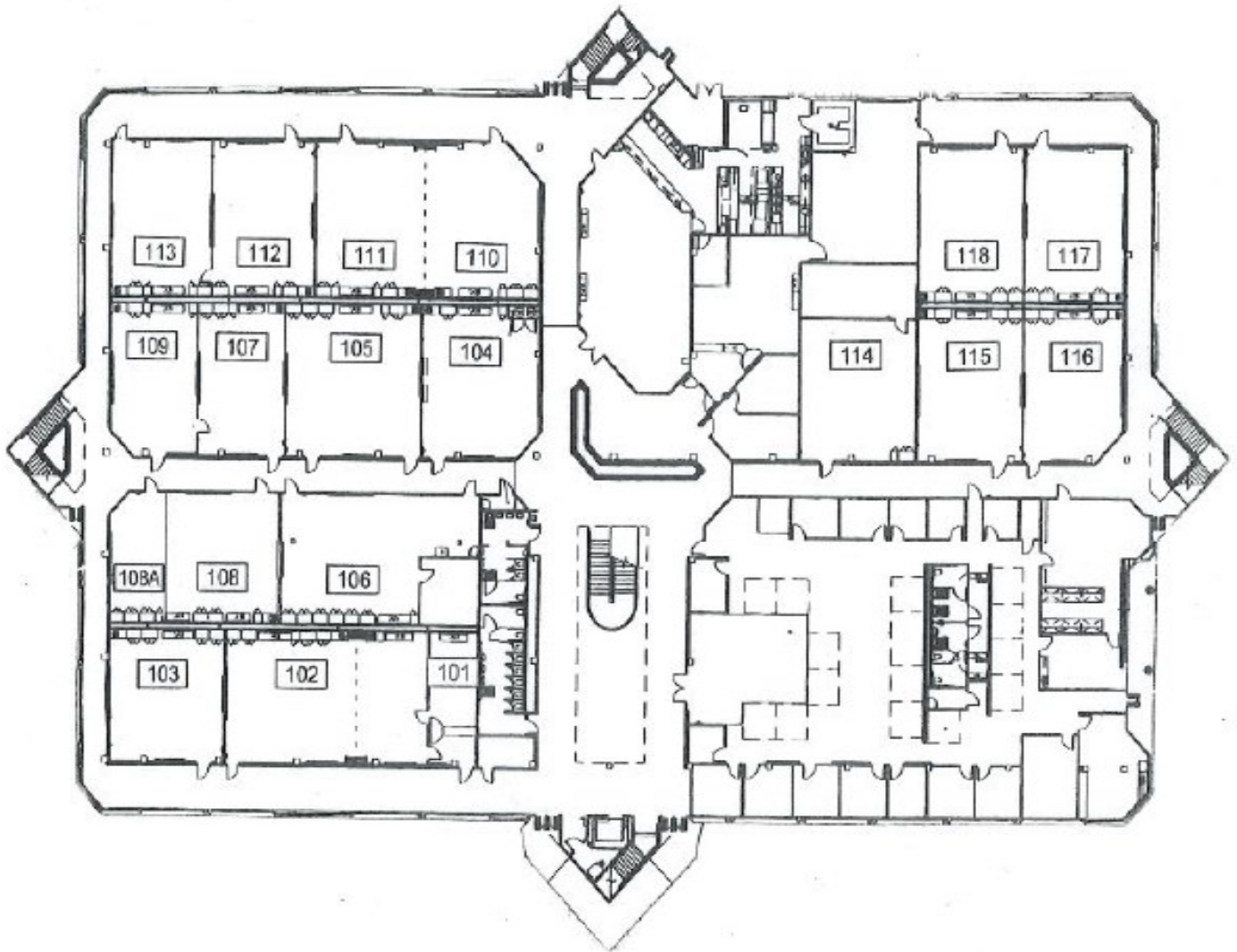
254 Children's internet Protection Plan (CIPA) of 2001

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: January 16, 2002 Fresno, California



Cesar Chavez Campus – 1<sup>st</sup> Floor





Cesar Chavez Campus – 2nd Floor

