

**JOB DESCRIPTION FOR CLASSROOM TEACHER**

1. Develops and presents lessons that demonstrate planning and preparation and are consistent with the departmental course of study.
2. Develops and presents lessons with performance objectives that are understood by the students and are supportive of district goals and teacher expectations.
3. Evaluates student progress based primarily on achievement or performance objectives.
4. Uses a variety of instructional techniques and materials which are appropriate to the course and to the students.
5. Develops and preserves a suitable learning environment.
6. Demonstrates and promotes responsibility to and consideration for others.
7. Treats students with courtesy and respect.
8. Maintains current records of students' attendance and progress that can be easily understood and readily interpreted by others.
9. Participates cooperatively with fellow staff members in the development and implementation of curriculum and instruction and other matters of mutual concern.
10. Keeps up to date in subject area and continually improves instructional techniques.
11. Adheres to district policies and procedures.
12. Attends and participates in departmental, school, and district meetings.
13. Supervises proper use of equipment and facilities with student safety in mind.
14. Demonstrates concern for social, psychological, emotional, and academic needs of students.
15. Acknowledges professional responsibility to support and supervise co-curricular activities and cooperates with the administration to achieve equitable assignments consistent with individual interests and preferences.
16. Cooperates in use and care of all equipment and materials.
17. Is aware of total school and district educational programs.

**JOB DESCRIPTION FOR CLASSROOM TEACHER**

18. Keeps informed of social, political, and economic developments in the local community.
19. Promotes community responsibility among students.
20. Helps to inform the community of services and educational opportunities available through district schools.
21. Supervises instructional personnel.

# Board Policy

## Certificated Personnel

BP 4121(a)

### TEMPORARY/SUBSTITUTE PERSONNEL

The Board of Trustees recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

(cf. [4112.2](#) - Certification)

### Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

(cf. [4113](#) - Assignment)

### **Substitute personnel may be employed on an on-call, day-to-day basis.**

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code [44917](#))

(cf. [4117.14/4317.14](#) - Postretirement Employment)

Permanent or probationary certificated employees who were laid off pursuant to Education Code [44955](#) and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code [44956](#), [44957](#))

(cf. [4117.3](#) - Personnel Reduction)

### Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code [44915](#), [44916](#))

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code [44917](#))

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee even if employed for less than a semester. The Board shall

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code [44920](#))

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code [44919](#))
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code [44919](#))

*(cf. [6175](#) - Migrant Education Program)*

*(cf. [6200](#) - Adult Education)*

3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code [44919](#))

*(cf. [4127/4227/4327](#) - Temporary Athletic Team Coaches)*

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code [44919](#))
5. Serve only for the first semester because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code [44921](#))

For purposes of classifying employees pursuant to item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code [44919](#))

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. He/she may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code [44909](#))

**Salary and Benefits**

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code [44977,45030](#))

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

**Paid Sick Leave**

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code [246](#))

Any temporary or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code [246](#))

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code [246.5](#))

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

*(cf. [4161.1/4361.1](#) - Personal Illness/Injury Leave)*

*(cf. [4261.1](#) - Personal Illness/Injury Leave)*

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code [245-249](#). The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code [245-249](#) and in AR 4161.1/4361.1 - Personal Illness/Injury Leave.

**Release from Employment/Dismissal**

The Board may dismiss a substitute employee at any time at its discretion. (Education Code [44953](#))

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

during one school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as he/she is notified, before the last day of June, of the district's decision not to reelect him/her for the following school year. (Education Code [37200](#), [44954](#))

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

**Reemployment as a Probationary Employee**

Unless released from employment pursuant to Education Code [44954](#), any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, his/her previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code [44917](#), [44918](#), [44920](#))

*(cf. [4116](#) - Probationary/Permanent Status)*

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code [44920](#), [44921](#))

A temporary employee hired pursuant to item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code [44919](#))

A person employed pursuant to item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant position in the district for which he/she is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code [44845](#) and [44846](#). (Education Code [44921](#))

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code [44954](#) but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code [44918](#))

**TEMPORARY/SUBSTITUTE PERSONNEL (continued)***Legal Reference:*EDUCATION CODE[22455.5](#) Provision of retirement plan information to potential members[22515](#) Irrevocable election to join retirement plan[37200](#) School calendar[44252.5](#) State basic skills assessment required for certificated personnel[44300](#) Emergency teaching or specialist permits[44830](#) Employment of certificated persons; requirements of proficiency in basic skills[44839.5](#) Employment of retirant[44845](#) Date of employment[44846](#) Criteria for reemployment preferences[44909](#) Employees providing services through categorically funded programs[44914](#) Substitute and probationary employment computation for classification as permanent employee[44915](#) Classification of probationary employees[44916](#) Time of classification; statement of employment status[44917](#) Classification of substitute employees[44918](#) Substitute or temporary employee deemed probationary employee; reemployment rights[44919](#) Classification of temporary employees[44920](#) Employment of certain temporary employees; classifications[44921](#) Employment of temporary employees; reemployment rights (unified and high school districts)[44953](#) Dismissal of substitute employees[44954](#) Release of temporary employees[44955](#) Layoff of permanent and probationary employees[44956](#) Rights of laid-off permanent employees to substitute positions[44957](#) Rights of laid-off probationary employees to substitute positions[44977](#) Salary schedule for substitute employees[45030](#) Substitutes[45041](#) Computation of salary[45042](#) Alternative method of computation for less than one school year[45043](#) Compensation for employment beginning in the second semester[56060-56063](#) Substitute teachers in special educationGOVERNMENT CODE[3540.1](#) Educational Employment Relations Act, definitionsLABOR CODE[220](#) Sections inapplicable to public employees[230](#) Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off[230.1](#) Employers with 25 or more employees; domestic violence, sexual assault and stalking victims,

right to time off

[233](#) Illness of child, parent, spouse or domestic partner[234](#) Absence control policy[245-249](#) Healthy Workplaces, Healthy Families Act of 2014CODE OF REGULATIONS, TITLE 5[5502](#) Filing of notice of physical examination for employment of retired person[5503](#) Physical examination for employment of retired persons[5590](#) Temporary athletic team coach[80025-80025.5](#) Emergency substitute teaching permits*Legal References: Continued on next page*

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

*Legal References: Continued*

COURT DECISIONS

*McIntyre v. Sonoma Valley Unified School District* (2012) 206 Cal.App.4th 170

*Stockton Teachers Association CTA/NEA v. Stockton Unified School District* (2012) 204 Cal.App.4th 446

*Neily v. Manhattan Beach Unified School District*, (2011) 192 Cal.App.4th 187

*California Teachers Association v. Vallejo City Unified School District*, (2007) 149 Cal.App.4th 135

*Bakersfield Elementary Teachers Assn. v. Bakersfield City School District*, (2006) 145 Cal.App.4th 1260, 1277

*Kavanaugh v. West Sonoma Union High School District*, (2003) 29 Cal.4th 911

*Management Resources:*

WEB SITES

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

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

(7/12 12/14) 12/15

Policy  
adopted: November 7, 2012  
revised: April 8, 2015  
revised: March 2, 2016

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California



**TEMPORARY/SUBSTITUTE PERSONNEL**

**Hiring**

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board of Trustees may employ substitute personnel for the remainder of the school year for positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

*(cf. 4117.14/4317.14 - Postretirement Employment)*

**Classification**

The Board may classify as substitute certificated personnel a teacher hired to fill a position of regularly employed person absent from service. (Education Code 44917)

The Board may classify as a temporary employee a teacher who is employed at least one semester and up to one complete school year. The Board shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness. (Education Code 44920)

The Board also shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day-to-day during the first three months of any term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

4. Serve in a position for a period not to exceed 20 working days in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

5. Are employed only for the first semester because the district expects a reduction in student enrollment during the second semester due to midyear graduations (Education Code 44921)

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

Before his/her first day of work, each new substitute and temporary employee shall receive a written statement at the time of initial employment during each school year confirming his/her employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

*Time of initial employment* means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

The Superintendent or designee shall ensure that substitute and temporary employees are appropriately trained, assigned, oriented and evaluated.

*(cf. 4113 - Assignment)*

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

**Qualifications**

Any person employed on a substitute or temporary basis in a position requiring certification qualifications shall possess the appropriate credential or permit authorizing his/her employment in such position and shall meet all other requirements of law for certificated positions.

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

*(cf. 4112.2 - Certification)*

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

*(cf. 4112.5/4312.5 - Criminal Record Check)*

Any person employed on a substitute or temporary basis in a capacity designated in his/her credential shall also be required to demonstrate basic skills proficiency in reading, writing and mathematics pursuant to Education Code 44252.5, unless exempted by law. (Education Code 44830)

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)**Qualifications for Special Education**

A noncredentialed person shall not substitute for any special education certificated position. (Education Code 56060)

A person holding a valid credential authorizing substitute teaching may serve as a substitute for a special education teacher for a period not to exceed 20 cumulative school days for each special education teacher absent during each school year. Upon application by the district, the Superintendent of Public Instruction may approve an extension of 20 school days. In extraordinary circumstances the district may seek an extension beyond the initial 20 school days. (Education Code 56061)

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. (Education Code 56062)

The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers. He/she shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56063)

**Salary/Benefits**

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

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

The rate of compensation for substitute certificated staff shall be as follows:

## Short-term substitute

1 to 3 periods of instruction 1/2 day or 3 1/2 hours	\$60.00
4 to 7 periods of instruction Or 7 hours	\$120.00

## Long-term substitute\*

20 or more consecutive days for the same teacher.	\$140.00
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## **TEMPORARY/SUBSTITUTE PERSONNEL (continued)**

\*Will be paid from first day of service if known that the regular teacher will be absent 20 or more days.

### **Granting Probationary Status**

Unless released from employment pursuant to Education Code 44954, and with the exception of on-call, day-to-day substitutes, any substitute or temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year, shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year. (Education Code 44918)

*(cf. 4116 - Probationary/Permanent Status)*

A temporary employee hired to teach temporary classes or perform other certificated duties not expected to last more than the first three months of any semester, or to teach special day and evening classes for adults or in schools for migratory populations for the first four months of a semester, shall be classified as a probationary employee if the duties continue beyond the time limits. (Education Code 44919)

A temporary employee hired to teach only the first semester due to anticipated midyear high school graduations shall be classified as a probationary employee for the entire school year if the employment continues beyond the first semester. (Education Code 44921)

### **Release from Employment/Dismissal**

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained. After serving during one school year 75 percent of the number of days the regular schools of the district are maintained, a temporary employee may be released as long as the employee is notified before the end of the school year of the district's decision not to reelect him/her for the following school year. (Education Code 44954)

### **Reemployment Rights**

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who served during one school year at least 75 percent of the number of days the regular schools of the district were maintained and who was not released pursuant to Education Code 44954 prior to the end of the school year shall be reemployed for the following school year to fill any vacant positions in the district. (Education Code 44918)

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

With the exception of on-call, day-to-day substitutes, a temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served for two consecutive years, for at least 75 percent of each year, shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

A person employed for only the first semester because of anticipated midyear high school graduations shall be reemployed to fill any vacant positions in the district for which the employee is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

*Legal Reference:*EDUCATION CODE

- 44252.5 *State basic skills assessment required for certificated personnel*
- 44300 *Emergency teaching or specialist permits*
- 44830 *Employment of certificated persons; requirements of proficiency in basic skills*
- 44839.5 *Employment of retirant*
- 44846 *Criteria for reemployment preferences*
- 44914 *Substitute and probationary employment computation for classification as permanent employee*
- 44915 *Classification of probationary employees*
- 44916 *Time of classification; statement of employment status*
- 44917 *Classification of substitute employees*
- 44918 *Substitute or temporary employee deemed probationary employee; reemployment rights*
- 44919 *Classification of temporary employees*
- 44920 *Employment of certain temporary employees; classifications*
- 44921 *Employment of temporary employees; reemployment rights (unified and high school districts)*
- 44953 *Dismissal of substitute employees*
- 44954 *Release of temporary employees*
- 44956 *Rights of laid-off permanent employees to substitute positions*
- 44957 *Rights of laid-off probationary employees to substitute positions*
- 44977 *Salary schedule for substitute employees*
- 45030 *Substitutes*
- 45041 *Computation of salary*
- 45042 *Alternative method of computation for less than one school year*
- 45043 *Compensation for employment beginning in the second semester*
- 56060-56063 *Substitute teachers in special education*

CODE OF REGULATIONS, TITLE 5

- 5502 *Filing of notice of physical examination for employment of retired person*
- 5503 *Physical examination for employment of retired persons*

COURT DECISIONS

- Kavanaugh v. West Sonoma Union High School District, (2003) 29 Cal.4<sup>th</sup> 911*

*Management Resources: (see next page)*

**TEMPORARY/SUBSTITUTE PERSONNEL** (continued)

*Management Resources:*

WEB SITES

*CTC: <http://www.ctc.ca.gov>*

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

**CONSULTANTS**

The Board encourages the use of consultants when it is clear they can provide valuable and necessary specialized services not normally required on a continuing basis and which cannot be provided by district personnel because of limitations of time, experience or knowledge. Consultants as used in this policy are individuals, firms, or organizations employed to provide specific technical or training services, or professional, technical, or expert advice, opinion, or guidance to management personnel on a limited and as needed basis which may assist management in decision-making and/or project development.

*Legal Reference:*

EDUCATION CODE

*10400 Legislative intent (cooperative improvement programs)*

*35010 Control of districts by board of trustees or board of education*

*35045 Re school district awarding consultancy contracts to retired certificated employees*

*Who have been employed by the district for at least 10 years and who are at least 55 years  
Of age*

*35172 Promotional activities*

GOVERNMENT CODE

*53060 Special service and advice (consultants)*

## **All Personnel**

BP 4127(a)

4227

## **TEMPORARY ATHLETIC TEAM COACHES**

4327

The Board of Trustees desires to employ highly qualified coaches for the district's sports and interscholastic athletic programs in order to enhance the knowledge, skills, motivation, and safety of student athletes.

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

*(cf. 6145.2 - Athletic Competition)*

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. (5 CCR 5590)

*(cf. 4121 - Temporary/Substitute Personnel)*

When hiring a person to fill a position as a temporary athletic team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

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

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

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5131.63 - Steroids)*

*(cf. 5141.1 - Child Abuse Prevention and Reporting)*

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

## **Qualifications and Training**

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic program shall, prior to beginning his/her duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

*(cf. 1240 - Volunteer Assistance)*

*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*



## **TEMPORARY ATHLETIC TEAM COACHES (continued)**

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6 and 49032, and by district policy.

### *Legal Reference:*

#### EDUCATION CODE

35179-35179.7 Interscholastic athletics  
33479-33479.9 The Eric Parades Sudden Cardiac Arrest Prevention Act  
44010 Sex offense  
44011 Controlled substance offense  
44332-44332.5 Temporary certificates  
44424 Conviction of a crime  
44808 Liability when students are not on school property  
44916 Written statement indicating employment status  
44919 Classification of temporary employees  
45125.01 Interagency agreements for criminal record information  
45347 Instructional aides subject to requirements for classified staff  
45349 Use of volunteers to supervise or instruct students  
49024 Activity Supervisor Clearance Certificate  
49030-49034 Performance-enhancing substances  
49406 Examination for tuberculosis

#### CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities  
5590-5596 Duties of temporary athletic team coaches

#### COURT DECISIONS

*Neily v. Manhattan Beach Unified School District, (2011) 192 Cal. App. 4th 187*  
*Kavanaugh v. West Sonoma County Union High School District, (2003) 29 Cal. 4th 911*  
*CTA v. Rialto Unified School District, (1997) 14 Cal. 4th 627*  
*San Jose Teachers Association, CTA, NEA v. Barozzi, (1991) 230 Cal.App.3d 1376*

*Management Resources: See Next Page*

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

*Management Resources:*

CSBA PUBLICATIONS

*Steroids and Students: What Boards Need to Know, Policy Brief, July 2005*

CALIFORNIA INTERSCHOLASTIC FEDERATION PUBLICATIONS

*California Interscholastic Federation Constitution and Bylaws*

*Pursuing Victory with Honor, 1999*

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

*10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010*

WEB SITES

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

California Athletic Trainers' Association: <http://www.ca-at.org>

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

California Interscholastic Federation: <http://www.cifstate.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Athletic Trainers' Association: <http://www.nata.org>

(3/10 7/10) 5/17

**All Personnel**

AR 4127(a)

4227

**TEMPORARY ATHLETIC TEAM COACHES**

4327

**Qualifications**

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
  - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
  - b. A valid sports injury certificate or first aid card, and a valid CPR card
  - c. A valid Emergency Medical Technician (EMT) I or II card
  - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
  - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
  - a. Completion of a college course in coaching theory and techniques
  - b. Completion of inservice programs arranged by a school district or county office of education
  - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
  - d. Prior coaching in community youth athletic programs in the sport being coached
  - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
  - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
  - b. Completion of a seminar or workshop on human growth and development of youth
  - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic program.

*(cf. 1240 - Volunteer Assistance)*

**Additional Qualifications of Noncertificated Personnel and Volunteers**

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

*(cf. 1240 - Volunteer Assistance)*

## **TEMPORARY ATHLETIC TEAM COACHES (continued)**

### **Training**

Each employee or volunteer high school athletic team coach shall complete, at his/her expense, a coaching education program that meets the standards developed by the CIF and includes, but is not limited to, training in regard to sport psychology, sport pedagogy, sport physiology, sport management, statewide and school regulations, and CPR and first aid, including the signs, symptoms, and appropriate response to concussions. A high school coach who has completed the education program in another California school district shall be deemed to have met the requirement for this district. An individual who has not completed the education program may be assigned as a coach for no longer than one season of interscholastic competition. (Education Code 35179.1, 49032)

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

### **Code of Ethical Conduct**

Employees providing supervisory or instructional services in interscholastic athletic programs and activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association

*(cf. 5131.63 - Steroids)*

12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

*(3/10 7/10) 5/17*

**STAFF DEVELOPMENT**

The Board of Trustees believes that, in order to maximize student learning, achievement, and well-being, certificated staff members must be continuously learning and improving relevant skills. The Superintendent or designee shall develop a program of ongoing professional development which includes opportunities for teachers to enhance their instructional and classroom management skills, become informed about changes in pedagogy and subject matter, and strengthen practices related to social-emotional development and learning.

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, when creating, reviewing, and amending the district's staff development program. The Superintendent or designee shall ensure that the district's staff development program is aligned with district priorities for student learning, achievement and well-being, school improvement objectives, the local control and accountability plan, and other district and school plans.

The district's staff development program shall assist certificated staff in developing knowledge and skills, including, but not limited to:

1. Mastery of subject-matter knowledge, including current state and district academic standards
2. Use of effective, subject-specific teaching methods, strategies, and skills
3. Use of technologies to enhance instruction and learning, including face-to-face, remote, or hybrid instruction
4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students with characteristics specified in Education Code 200 and/or 220, Government Code 11135, and/or Penal Code 422.55
5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning
6. Knowledge of strategies that encourage parents/guardians to participate fully and effectively in their children's education
7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, acceptance, and civility, including conflict resolution, hatred prevention, and positive behavioral interventions and supports

**STAFF DEVELOPMENT** (continued)

8. Ability to relate to students, understand their various stages of growth and development, and motivate them to learn
9. Ability to interpret and use data and assessment results to guide instruction
10. Knowledge of topics related to student mental and physical health, safety, and welfare, which may include social-emotional learning and trauma-informed practices
11. Knowledge of topics related to employee health, safety, and security

The Superintendent or designee shall, in conjunction with teachers, interns, and administrators, as appropriate, develop an individualized program of professional growth to increase competence, performance, and effectiveness in teaching and classroom management and, as necessary, to assist them in meeting state or federal requirements to be fully qualified for their positions.

Professional learning opportunities offered by the district shall be evaluated based on the criteria specified in Education Code 44277. Such opportunities may be part of a coherent plan that combines school activities within a school, including lesson study or co-teaching, and external learning opportunities that are related to academic subjects taught, provide time to meet and work with other teachers, and support instruction and student learning. Learning activities may include, but are not limited to, mentoring projects for new teachers, extra support for teachers to improve practice, and collaboration time for teachers to develop new instructional lessons, select or develop common formative assessments, or analyze student data. (Education Code 44277)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

The Board may budget funds for actual and reasonable expenses incurred by staff who participate in staff development activities.

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to both staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program. Based on the Superintendent's report, the Board may revise the program as necessary to ensure that the staff development program supports the district's priorities for student achievement and well-being.



**STAFF DEVELOPMENT (continued)*****State References:***

5 CCR 13025-13044	<i>Professional development and program improvement</i>
5 CCR 80021	<i>Short-term staff permit</i>
5 CCR 80021.1	<i>Provisional internship permit</i>
5 CCR 80023-80026.6	<i>Emergency permits</i>
Ed. Code 44032	<i>Travel expense payment</i>
Ed. Code 44259.5	<i>Standards for teacher preparation</i>
Ed. Code 44277	<i>Professional growth programs for individual teachers</i>
Ed. Code 44300	<i>Emergency permits</i>
Ed. Code 44325-44328	<i>District interns</i>
Ed. Code 44450-44468	<i>University intern program</i>
Ed. Code 44570-44578	<i>Inservice training, secondary education</i>
Ed. Code 44830.3	<i>Employing district interns</i>
Ed. Code 45028	<i>Salary schedule and exceptions</i>
Ed. Code 48980	<i>Parental notifications</i>
Ed. Code 52060-52077	<i>Local control and accountability plan</i>
Ed. Code 56240-56245	<i>Staff development; service to persons with disabilities</i>
Ed. Code 99200-99206	<i>Subject matter projects</i>
Gov. Code 3543.2	<i>Scope of representation</i>

***Federal References:***

20 USC 6601-6702      *Preparing, Training and Recruiting High Quality Teachers and Principals*

***Management Resources:*****Commission on Teacher Credentialing Publication**

*California Standards for the Teaching Profession, 2009*

**CSBA Publication**

*Governing to the Core: Professional Development for Common Core, Governance Brief, May 2013*

**Public Employment Relations Board Decision**

*United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085*

**Website**

*California Department of Education, Professional Learning*  
*California Subject Matter Projects*  
*Commission on Teacher Credentialing*  
*CSBA*

Policy  
 adopted: January 4, 2012  
 revised: April 2, 2014; Sept. 24, 2015  
 revised: November 3, 2021

**BIGGS UNIFIED SCHOOL DISTRICT**  
 Biggs, California

**TEACHER SUPPORT AND GUIDANCE**

The Board of Trustees recognizes the link between teacher effectiveness and student learning and desires to provide structured, individualized support and guidance to teachers as necessary to enhance their performance and support teacher retention. The Superintendent or designee shall develop a program of intensive professional development and consultation to help interns and beginning teachers apply their academic preparation more effectively in the classroom and to assist other teachers who need additional development in subject matter knowledge, instructional methods, and/or classroom management.

*(cf. 4112.21 - Interns)*

The Superintendent or designee shall coordinate individualized teacher support and guidance activities developed pursuant to this policy with other district staff development programs and staff evaluation processes.

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4131 - Staff Development)*

Teachers may volunteer to participate in a teacher support and guidance program or may be referred to such services based on their performance evaluation.

Support providers shall be experienced certificated personnel who are knowledgeable about teacher development and needed competencies and have strong interpersonal and communication skills. Support may include, but is not limited to, classroom observations, regular meetings with the support provider, and an individualized plan for professional development or coursework that takes into consideration the teacher's assignment and prior preparation and experience. The roles and responsibilities of support providers shall be clearly defined in writing and communicated to all participants.

The Superintendent or designee shall ensure the timely assignment of qualified support providers to participating teachers and for reassignment as needed. He/she shall also ensure that each support provider receives appropriate training to serve in a support capacity and is provided adequate time and resources to assist other teachers.

The district may provide a stipend to support providers in accordance with the collective bargaining agreement and district budget.

*(cf. 3100 - Budget)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

The performance of a participating teacher shall be monitored by the support provider, Superintendent or designee, and/or a panel of teachers and administrators in order to determine whether the teacher has met program goals and to make recommendations for follow-up support or employment action, as appropriate.

**TEACHER SUPPORT AND GUIDANCE (continued)**

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4117.6 - Decision Not to Rehire)*

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

The Superintendent or designee shall regularly evaluate the district's teacher support and guidance programs and shall report to the Board regarding program effectiveness in meeting district goals for teacher quality and retention. Evaluation reports may include, but are not limited to, data on program enrollment and completion, subsequent retention rates of participating teachers, and interviews or surveys of program participants.

*(cf. 0500 - Accountability)*

**Beginning Teacher Induction Program**

The Superintendent or designee shall inform beginning teachers who possess a preliminary credential about induction programs or other options that are available to help them fulfill the requirements of the clear multiple subject, single subject, or education specialist credential pursuant to Education Code 44259.

*(cf. 4112.2 - Certification)*

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

The district's beginning teacher induction program shall meet program standards adopted by the CTC and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

The beginning teacher's knowledge and classroom practice shall be regularly assessed using multiple measures and the results shall be used to monitor and revise individual induction plans. The Superintendent or designee shall maintain a complete record of each participating teacher's progress toward completion of clear credential requirements.

When the teacher has successfully completed the induction program, the Board shall recommend to the CTC that he/she be awarded a clear teaching credential.

*Legal Reference: (See next page)*

**TEACHER SUPPORT AND GUIDANCE (continued)**

*Legal Reference:*

EDUCATION CODE

44259 *Credential requirements*

44259.5 *Standards for professional preparation programs*

44275.4 *Credential requirements, induction, out-of-state teachers*

44325-44328 *District interns*

44450-44468 *University interns*

44830.3 *Interns, professional development and guidance*

CODE OF REGULATIONS, TITLE 5

6100-6126 *Teacher qualifications, No Child Left Behind Act*

80021 *Short-term staff permit*

80021.1 *Provisional internship permit*

80026.5 *Orientation, guidance, and assistance for emergency permit holders*

80033 *Intern teaching credential*

80055 *Intern credential*

80413 *Credential requirements*

80413.3 *Credential requirements; teachers with out-of-state credentials*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*

6601-6702 *Preparing, training and recruiting high quality teachers and principals*

7801 *Definitions, highly qualified teacher*

*Management Resources:*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards, rev. February 2014*

*Intern Preservice, Support and Supervision Requirements: Preparation to Teach English Learners, Program Sponsor Alert 13-06, June 3, 2013*

*Education Specialist Teaching and Other Related Services Credential Program Standards, rev. May 2013*

*Multiple and Single Subject Induction Programs (program standards, preconditions, and language addressing the teaching of English learners), rev. January 2013*

*California Standards for the Teaching Profession, October 2009*

WEB SITES

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

*California Federation of Teachers: <http://www.cft.org>*

*California Teachers Association: <http://www.cta.org>*

*Commission on Teacher Credentialing: <http://www.ctc.ca.gov>*

8/14

**TEACHER SUPPORT AND GUIDANCE**

**Selection of Support Providers**

The Superintendent or designee shall design a written application for certificated personnel who want to be mentor teachers or support providers.

Any employee designated by the Superintendent or designee as a support provider shall, at a minimum, meet the following qualifications:

1. Possess a clear credential

*(cf. 4112.2 - Certification)*

2. Have at least three years of full-time teaching experience

3. Have demonstrated effective communication skills, subject matter knowledge, and mastery of a range of teaching strategies necessary to meet the needs of students

The Superintendent or designee may establish a districtwide or school site advisory committee to verify that candidates fulfill the qualifications established by the district, interview candidates, and recommend candidates to the Superintendent or designee.

The Superintendent or designee shall make the final selection of support providers and shall assign support providers to participating teachers. To the extent possible, the assigned support provider shall be one who teaches at the same school, the same grade levels, and/or in the same subject matter as the teacher(s) to whom he/she is assigned. No support provider shall be assigned to more than five teachers during a school year.

*(cf. 4113 - Assignment)*

The Superintendent or designee shall regularly evaluate the effectiveness of the support provider and may reassign or revoke his/her designation as a support provider.

**Peer Review Panel**

The Superintendent or designee shall establish a peer review program to provide struggling teachers with feedback and guidance. When a teacher volunteers to participate or is referred by the principal due to unsatisfactory performance, written performance goals shall be established which are aligned with student learning and teacher evaluation criteria. The teacher shall be assigned a consulting teacher who shall provide assistance and review through multiple observations of the teacher during periods of classroom instruction. In addition, the teacher shall participate in sufficient professional development activities to assist him/her to improve teaching skills and knowledge. The consulting teacher shall maintain a written record

**TEACHER SUPPORT AND GUIDANCE** (continued)

of the teacher's activities and performance and shall regularly communicate with the principal regarding the teacher's progress.

*(cf. 4115 - Evaluation/Supervision)*

The Superintendent or designee shall establish a joint teacher-administrator peer review panel composed of a majority of teachers selected by other teachers, with the remainder consisting of administrators selected by the Superintendent or designee. The joint teacher-administrator peer review panel shall review reports prepared by the consulting teacher and shall make recommendations to the Superintendent or designee as to whether the participating teacher should be exited from the program due to satisfactory improvement, remain in the program because he/she would possibly benefit from additional support from the program, or be recommended for dismissal.

*(cf. 4117.4 - Dismissal)*

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

8/14

**MEETINGS**

Staff members shall attend meetings called by the Superintendent, principal and department heads, except those meetings designated as optional.

Legitimate reasons for absence from meetings shall be essential the same as those allowed for absence from regular duty.

Meetings of the staff members may be held before school in the morning, during the school day, or following the dismissal of classes in the afternoon. There shall be the least possible interference with the classroom activities of teachers and students in scheduling meetings.

*(cf. 4141 - Collective Bargaining Agreement Article XII)*

**All Personnel**

BP 4136(a)

4236

**NONSCHOOL EMPLOYMENT**

4336

In order to help maintain public trust in the integrity of district operations, the Board of Trustees expects all employees to give the responsibility of their positions precedence over any other outside employment. A district employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

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

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

*(cf. 9270 - Conflict of Interest)*

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

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

*(cf. 3300 - Expenditures and Purchases)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

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

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

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

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

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.



## **NONSCHOOL EMPLOYMENT (continued)**

*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 4144/4244/4344 - Complaints)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

### **Tutoring**

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

#### *Legal Reference:*

##### EDUCATION CODE

35160 Authority of governing boards  
35160.1 Broad authority of school districts  
51520 Prohibited solicitation on school premises

##### GOVERNMENT CODE

1126 Incompatible activities of employees  
1127 Incompatible activities; off duty work  
1128 Incompatible activities, attorney

##### CODE OF REGULATIONS, TITLE 5

80334 Unauthorized private gain or advantage

##### ATTORNEY GENERAL OPINIONS

70 Ops.Cal.Atty.Gen. 157 (1987)

#### *Management Resources:*

##### WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

## **Certificated and Classified Personnel**

BP4140(a)

4240

4340

## **BARGAINING UNITS**

The Board of Trustees recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative for the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with the exclusive representative and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons, insignia, or other pictorial or written messages that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

### **Formation of Bargaining Units**

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of certificated or classified supervisory employees may only be recognized if the bargaining unit includes all certificated or classified supervisory employees, respectively, and is not represented by the same employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees who serve in a management, senior management, or confidential position may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. However, an employee organization representing management, senior management, or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

*Management employee* means an employee in a position having significant responsibilities for formulating district policies or administering district programs. (Government Code 3540.1)

## **Certificated and Classified Personnel**

BP 4140(b)

4240

4340

## **BARGAINING UNITS (continued)**

*Confidential employee* means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

### **Membership**

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

### **District Commutations to Employees**

The Superintendent or designee may communicate with district employees regarding their rights to join and/or support or to refrain from joining or supporting an officially recognized employee organization. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

The district may disseminate written documents, recorded messages, or other mass communications to actual or perspective employees represented by an exclusive representative concerning their rights to join and/or support, or refrain from joining and/or supporting, an employee organization only after the Superintendent or designee meets and confers with the exclusive representative concerning the content of the mass communication. If the district and exclusive representative do not come to agreement on the content of the mass communication and the district still chooses to disseminate it, the Superintendent or designee shall request that the exclusive representative provide a communication of reasonable length to the district that shall be disseminated to the employees at the same time as the district's own mass communication. (Government Code 3556)

### **Access to New Employee Orientations**

The district shall permit each exclusive representative access to new employee orientation or onboarding process where newly hired employees represented by the exclusive representative are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide the exclusive representative at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided where there is an

## **Certificated and Classified Personnel**

BP 4140(c)  
4240  
4340

### **BARGAINING UNITS (continued)**

urgent need critical to the district's operations that was not reasonably foreseeable.  
(Government Code 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, the structure, time, and manner of access to the new employee orientation shall be subject to compulsory interest arbitration. The district and the exclusive representative may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The arbitrator's decision shall be issued within 10 days and shall be final and binding on the parties.  
(Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, unless the district and the exclusive representative have agreed otherwise, when the district has not conducted an in-person orientation within 30 days of hiring a new employee, the Superintendent or designee shall permit the exclusive representative to schedule an in-person meeting during employment hours at the new employee's worksite, during which the new employee shall have the opportunity to attend and shall be relieved of other duties for the purpose of attending the meeting. The district shall provide appropriate space at the worksite within seven calendar days of receiving a request from the exclusive representative. (Government Code 3556, 3557)

During this meeting, the exclusive representative shall be permitted to communicate directly with the new employees for up to 30 minutes of paid time. (Government Code 3556)

### **Access to Employee Contact Information**

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), of all employees represented by the exclusive representative on file with the district. An employee's personal email address shall only be disclosed if it used by the employee to conduct district business.

Such information shall be provided within 30 days of hire or by the first pay period of the month following hire for all new employees represented by the exclusive representative, unless the exclusive representative has agreed to a different interval for the provision of the

## **Certificated and Classified Personnel**

BP 4140(d)  
4240  
4340

### **BARGAINING UNITS (continued)**

information. Additionally, the Superintendent or designee shall provide the exclusive representative with the same information for all employees represented by the exclusive representative every 120 days, unless more frequent disclosure is required by agreement with the exclusive representative. (Government Code 3558, 7928.300)

However, the Superintendent or designee shall not disclose: (Government Code 3558, 6207, 6215, 6215.2, 7928.300)

1. The home address and phone numbers on file for employees performing law enforcement-related functions.
2. The home address, home telephone or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6205-6210 and 6215-16.
3. The employee's home address, home telephone and personal cell phone numbers, and personal email address of an employee not performing law enforcement related functions if the employee has submitted a written request to the district to keep such information private. In such instances, the Superintendent or designee shall also remove the employee's home address, and home telephone and personal cell phone number from any mailing list maintained by the district unless the list is only used by the district to contact the employee

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

The Superintendent or designee shall review the list of contact information for district employees at the beginning of each school year, or more often as appropriate.

### **Communications with Employees by Employee Organizations**

Subject to reasonable regulation by the district, employee organizations shall have access, at reasonable times, to the work areas of employees represented by the employee organization and to district facilities for the purpose of meeting with employees represented by the employee organization. Access may be limited in instances where it would be disruptive to district operations. (Government Code 3543.1)

Additionally, subject to reasonable regulation by the district, employee organizations shall have the ability to use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees represented by the employee organization. (Government Code 3543.1)

BP

4140(e)  
4240  
4340

**BARGAINING UNITS (continued)**

**Membership Dues or Other Payments to an Employee Organization**

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount that has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

When an employee organization has certified to the district that it has and will maintain individual employee authorizations for payroll deductions, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and the employees to whom they apply and shall not handle or process employee written authorizations for the employees represented by such employee organization. The district also shall not require a copy of the written authorization to be submitted by the employee organization, except when there is a dispute about the existence or terms of the written authorization. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization that represents the employee rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

When an employee organization has declined to certify that it will handle and process written authorizations from employee(s) represented by the employee organization and makes a request for payroll deductions, the district shall request a copy of the written authorization for an employee before making the payroll deductions for that employee. (Education Code 45060, 45168)

*Legal References on next page*

## Certificated and Classified Personnel

BP 4140(f)  
4240  
4340

### BARGAINING UNITS (continued)

*Legal References on next page*

<b>State</b>	<b>Description</b>
8 CCR 33015-33490	<i>Recognition of exclusive representative; proceedings</i>
8 CCR 33700-33710	<i>Severance of established unit</i>
8 CCR 34020	<i>Petition to rescind organizational security arrangement</i>
8 CCR 34055	<i>Reinstatement of organizational security arrangement</i>
Ed. Code 45060-45061.5	<i>Deduction of fees from salary or wage payment; certificated employees</i>
Ed. Code 45100.5	<i>Senior classified management positions</i>
Ed. Code 45104.5	<i>Abolishment of senior classified management positions</i>
Ed. Code 45108.5	<i>Definition of senior classified management employees</i>
Ed. Code 45108.7	<i>Waiver of provisions of 45108.5</i>
Ed. Code 45168	<i>Deduction of fees from salary or wage payment; classified employees</i>
Ed. Code 45220-45320	<i>Merit system; classified employees</i>
Gov. Code 3540-3549.3	<i>Educational Employment Relations Act</i>
Gov. Code 3540.1	<i>Public employment; definitions</i>
Gov. Code 3543.4	<i>Management position; representation</i>
Gov. Code 3545	<i>Appropriateness of unit; basis</i>
Gov. Code 3550-3552	<i>Prohibition on public employers deterring or discouraging union membership</i>
Gov. Code 3555-3559	<i>Public employee communication, information and orientation</i>
Gov. Code 53260-53264	<i>Employment contracts</i>
Gov. Code 6205-6210	<i>Confidentiality of addresses for victims of domestic violence, sexual assault or stalking</i>
Gov. Code 6254.3	<i>Disclosure of employee contact information to employee organization</i>
Gov. Code 6503.5	<i>Joint powers agencies</i>
<b>Federal Description</b>	
8 CFR 33015-33490	<i>Recognition of exclusive representative; proceedings</i>
8 CFR 33700-33710	<i>Severance of established unit</i>
8 CFR 34020	<i>Petition to rescind organizational security arrangement</i>
8 CFR 34055	<i>Reinstatement of organizational security arrangement</i>
<b>Management Resources</b>	<b>Description</b>
Court Decision	<i>County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905</i>
Court Decision	<i>Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083</i>
Court Decision	<i>Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448</i>
	<i>Public Employment Relations Board Ruling East Whittier School District, (2004) PERB Dec. No. 1727</i>
	<i>Public Employment Relations Board Ruling City of Sacramento, (2019) PERB Dec. No. 2702m</i>
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Federation of Teachers</u></a>
Website	<a href="#"><u>California Public Employment Relations Board</u></a>
Website	<a href="#"><u>California School Employees Association</u></a>
Website	<a href="#"><u>California Teachers Association</u></a>
Website	<a href="#"><u>Association of California School Administrators</u></a>
Website	<a href="#"><u>CSBA</u></a>

Policy

Adopted: January 4, 2012

Revised: May 2, 2012; Aug. 1, 2018; Jan. 6, 2021

Revised: October 12, 2022

Revised: June 14, 2023

Revised: April 10, 2024

**BIGGS UNIFIED SCHOOL DISTRICT**

Biggs, California

**COLLECTIVE BARGAINING AGREEMENT**

The Board of Trustees recognizes that collective bargaining agreements are legally binding, bilateral agreements with the exclusive representatives of employees pertaining to terms and conditions of employment. The Board is committed to carrying out the provisions of each agreement and expects the agreements to be consistently and uniformly administered.

Following adoption of the collective bargaining agreement, the Superintendent or designee shall review related Board policies and recommend to the Board any action needed to maintain consistency with the agreement. Whenever a Board policy conflicts with a provision in the collective bargaining agreement, the agreement shall be binding for those employees covered by the terms of the agreement. Whenever a law conflicts with a provision in the collective bargaining agreement, the law will prevail as to those employees for whom the law applies.

Upon request by the Public Employment Relations Board, the Superintendent or designee shall provide, within 15 days of the request, a copy of the written agreement and any amendments. (8 CCR 32120)

*State Description*

- 8 CCR 31001-32997 Regulations of employee relations boards*
- Ed. Code 35035 Powers and duties of the superintendent; transfer authority*
- Ed. Code 35036 Voluntary transfers*
- Ed. Code 35160 Authority of governing boards*
- Ed. Code 35160.1 Broad authority of school districts*
- Ed. Code 45220-45320 Merit system, classified employees*
- Gov. Code 3540-3549.3 Educational Employment Relations Act*

*Management Resources Description*

*Website AASA The School Superintendents Association*

Policy  
adopted: January 4, 2012  
revised: August 4, 2021

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California



**CONCERTED ACTION/WORK STOPPAGE**

The Board of Trustees recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that prevents disruption to school operations and minimizes impact on student achievement.

The Board recognizes that advance planning is necessary to ensure that, in the event of a work stoppage, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

However, the district shall not discontinue or threaten to discontinue employer contributions for health care or other medical coverage for any employee or their enrolled dependents for the duration of the employee's participation in an authorized strike, as defined in Government Code 3141 and specified in the accompanying administrative regulation.

*Legal Reference on next page*

**CONCERTED ACTION/WORK STOPPAGE**

**State**

Ed. Code 35204

Ed. Code 35205

Ed. Code 37200-37202

Gov. Code 3140-3142

Gov. Code 3540-3549.3

Gov. Code 3543.5-3543.6

Gov. Code 3548.3548.8

**Management Resources**

Public Employment Relations Board Decision

Public Employment Relations Board Decision

Website

Website

Website

**Description**

Contract with attorney in private practice

Contract for legal services

School calendar

Public Employee Health Protection Act

Educational Employment Relations Act

Unfair labor practices

Impasse procedures

**Description**

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

[California Public Employment Relations Board](#)

[State Mediation and Conciliation Service \(SMCS\)](#)

[CSBA](#)

**CONCERTED ACTION/WORK STOPPAGE**

**Maintenance of District Operations**

During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning. At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.

**Strike Plan**

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, and the ability to maintain essential services and to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining and paying for the services of and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits
7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

**CONCERTED ACTION/WORK STOPPAGE** (continued)

8. Equipment and supply needs
9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events
10. Contingency plans for transportation
11. Contingency plans for the provision of food services
12. Identification of outside resources who may be called upon to help with school operations
13. Coordination with law enforcement and other agencies
14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members
15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage
17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization
18. Continuation of negotiations during a work stoppage
19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

**Activities of Employees**

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

**CONCERTED ACTION/WORK STOPPAGE** (continued)

During an actual or threatened work stoppage, an employee shall not retain any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

**Salary and Benefits**

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

Throughout the duration of any enrolled employee's participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee's continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee's contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee's position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

*"Authorized strike"* means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, the employee shall be entitled to continued payment as long as the employee remains ill or

**CONCERTED ACTION/WORK STOPPAGE** (continued)

disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

**State**

*Ed. Code 35204*

*Ed. Code 35205*

*Ed. Code 37200-37202*

*Gov. Code 3140-3142*

*Gov. Code 3540-3549.3*

*Gov. Code 3543.5-3543.6*

*Gov. Code 3548.3548.8*

**Management Resources**

*Public Employment Relations Board Decision*

*Public Employment Relations Board Decision*

*Website*

*Website*

*Website*

**Description**

*Contract with attorney in private practice*

*Contract for legal services*

*School calendar*

*Public Employee Health Protection Act*

*Educational Employment Relations Act*

*Unfair labor practices*

*Impasse procedures*

**Description**

*Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110*

*Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152*

[California Public Employment Relations Board](#)

[State Mediation and Conciliation Service \(SMCS\)](#)

[CSBA](#)

**NEGOTIATIONS/CONSULTATION**

The Board of Trustees recognizes its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the Board shall balance the needs of staff and the priorities of the district in order to provide students with a high-quality instructional program based on a sound, realistic budget.

*(cf. [0200](#) - Goals for the School District)*  
*(cf. [3100](#) - Budget)*  
*(cf. [4140/4240/4340](#) - Bargaining Units)*  
*(cf. [4141/4241](#) - Collective Bargaining Agreement)*

The Board and the Superintendent shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The Board shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

The Board and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code [3543.2](#))

When the district intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the district regarding the proposed

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of district compensation when meeting and negotiating and/or for the processing of grievances. (Government Code [3543.1](#))

The Board and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code [3549.1](#) and [54957.6](#), except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

*(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. [9010](#) - Public Statements)*  
*(cf. [9011](#) - Disclosure of Confidential/Privileged Information)*  
*(cf. [9321](#) - Closed Session Purposes and Agendas)*

The Board and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the district. (Government Code [3543.5](#))

The Board shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the district's short- and long-term fiscal, programmatic, instructional, and personnel goals.

## NEGOTIATIONS/CONSULTATION (continued)

The Board and/or Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals unless otherwise agreed upon by the district and exclusive representative.

*(cf. [4143.1/4243.1](#) - Public Notice - Personnel Negotiations)*

Whenever the district has a qualified or negative certification on an interim fiscal report, it shall allow the county office of education at least 10 working days to review and comment on any proposed agreement with exclusive representatives of employees. The district shall provide the County Superintendent of Schools with all information relevant to gain an understanding of the financial impact of any final collective bargaining agreement. (Government Code [3540.2](#))

*(cf. [3460](#) - Financial Reports and Accountability)*

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the Board at a public meeting for acceptance.

Any agreement adopted by the Board may be for a term not to exceed three years. (Government Code [3540.1](#))

In the event of an impasse in negotiations, the district shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code [3548-3548.8](#). (Government Code [3543.5](#))

*(cf. [4141.6/4241.6](#) - Concerted Action/Work Stoppage)*

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the Board and the employees' exclusive representative.

### **Consultation**

The exclusive representative of certificated staff may consult with the Board on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

*(cf. [6011](#) - Academic Standards)*

*(cf. [6141](#) - Curriculum Development and Evaluation)*

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

*(cf. [9310](#) - Board Policies)*



## NEGOTIATIONS/CONSULTATION (continued)

*Legal Reference:*

EDUCATION CODE

[44987](#) Service as officer of employee organization (certificated)

[45210](#) Service as officer of employee organization (classified)

GOVERNMENT CODE

[3540-3549.3](#) Educational Employment Relations Act

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

*Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954*

*Management Resources:*

CSBA PUBLICATIONS

*Collective Bargaining DVD-ROM*

*Maximizing School Board Governance: Collective Bargaining*

*Before the Strike: Planning Ahead in Difficult Negotiations, 1996*

WEB SITES

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

California Public Employee Relations: <http://cper.berkeley.edu>

Center for Collaborative Solutions: <http://www.ccscenter.org/labormgmt>

Public Employment Relations Board: <http://www.perb.ca.gov>

State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.aspx>

(10/95 3/07) 4/15

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

Because the Board of Trustees has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

*(cf. 1112 - Media Relations)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4143/4243 - Negotiations/Consultation)*  
*(cf. 9000 - Role of the Board)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

**Public Notice/Sunshining of Initial Proposals**

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

*(cf. 1340 - Access to District Records)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*  
*(cf. 9321.1 - Closed Session Actions and Reports)*

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

**Public Disclosure of Proposed Agreement**

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS** (continued)

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

*(cf. 3460 - Financial Reports and Accountability)*

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

*Legal Reference:*

EDUCATION CODE

42130-42134 *Financial reports and certifications*

GOVERNMENT CODE

3540.2 *Meeting and negotiating in public educational employment*

3547 *Proposals relating to representation; informing public*

3547.5 *Major provisions of agreement with exclusive representative*

CODE OF REGULATIONS, TITLE 8

32075 *PERB regional office defined*

*Management Resources:*

CSBA PUBLICATIONS

Collective Bargaining DVD-ROM

Maximizing School Board Governance: Collective Bargaining

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES

0515.92 *Public Disclosure of Collective Bargaining Agreements, 92-01*

WEB SITES

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

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

School Services of California: <http://www.sscal.com>

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

**Public Disclosure of Proposed Agreement**

The Superintendent or designee shall prepare a summary of the proposed agreement which shall include, but may not necessarily be limited to:

1. Major provisions of the agreement that affect compensation, such as:
  - a. Direct increases in salaries and percentage change in on-schedule salaries
  - b. Changes in health and welfare benefits
  - c. Changes in health and welfare benefit dollar contributions by the district
  - d. Changes in step and column or longevity provisions
  - e. Changes in overtime, differential, callback, and standby pay provisions
  - f. Changes in staffing ratios
  - g. One-time bonuses or off-the-schedule increases
2. Other provisions that will result in increased costs to the district even if they do not involve an increase in employee compensation, such as class-size reduction or increased number of staff development days
3. Costs of the proposed agreement, for the current and subsequent fiscal years, categorized for salaries, benefits, other compensation, and other noncompensation costs, including percentage increase of total compensation (salaries, benefits, and other compensation provisions) for the average represented employee as a result of the agreement and the approximate cost to the district of providing a one percent increase in total compensation
4. Proposed source(s) of funding for the current and subsequent fiscal years including the assumptions used to determine available resources to meet the obligations of the proposed agreement
5. Other major provisions that do not directly affect the district's costs, such as binding arbitration or grievance procedures

**All Personnel**

BP 4144

4244

**COMPLAINTS**

4344

The Board of Trustees recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 4031 - Complaints Concerning Discrimination in Employment)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

*(cf. 4112.6/4212.6/4312.6 - Personnel Records)*

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
35186 Williams uniform complaint procedures  
44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights  
3543.1 Rights of employee organizations  
53296-53299 Disclosure of confidential information; whistleblower  
54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

*Management Resources:*

WEB SITES

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

**All Personnel**

AR 4144(a)

4244

**COMPLAINTS**

4344

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

Any of the time limits specified in the following procedure may be extended by written agreement between the district and complainant.

**Step 1: Informal Complaint Process**

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

**Step 2: Site Level Formal Complaint Process**

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

**Step 3: District Level Appeal**

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

## **COMPLAINTS (continued)**

Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

### **Step 4: Appeal to the Governing Board**

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

*(cf. 9321 - Closed Session Purposes and Agendas)*

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

### **Alternate Procedures**

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure in BP/AR 4030 - Nondiscrimination in Employment.

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

*(cf. 4030 - Nondiscrimination in Employment)*

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

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

AR 4144(c)  
4244  
4344

**COMPLAINTS** (continued)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

*(6/90 3/08) 12/17*

Regulation  
approved: January 4, 2012  
revised: February 7, 2018

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California



**Compensation and Related Benefits**

The district shall place newly hired certificated employees on the appropriate range of the certificated salary schedule according to the total number of acceptable units completed at the time of employment. If enrolled in courses intended to be used for such placement, certificated employees must state their intention at the time of employment to complete such courses and must submit all transcripts and any other records of units completed to be used for salary schedule placement purposes by September 25 of the year of employment. Units submitted after September 25 until six months after employment will be accepted for salary schedule placement for the subsequent year. Units earned prior to employment will be accepted for salary schedule placement until six months after employment for the subsequent year.

- a. Units of credit beyond the baccalaureate degree must be either upper-division or graduate units in the major, minor or teaching area fields to count as units for advancement on the salary schedule unless the Board of Trustees has made special provisions for specialized training programs by equating the training to units of credit.
- b. An official set of college transcripts must be on file in the superintendent's office in order to properly place the teacher on the salary schedule.
- c. The Superintendent shall grant credit for prior full-time teaching experience for newly hired employees, at the rate of one step per year up to five years and one year for each two years thereafter; total of seven years. This experience must be verified by a formal statement from the district of experience. Any deviation from the regulations must be approved by the Board of Trustees.
- d. Partial years of service, less than 75%, may not be added to other partial years to generate full years of service for salary advancement.
- e. Retirement benefits shall be based on actual service with Biggs Unified School District.

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

## All Personnel

BP 4151(a)

4251

## EMPLOYEE COMPENSATION

4351

In order to recruit and retain employees committed to the district's goals for student learning, the Governing Board recognizes the importance of offering a competitive compensation package which includes salaries and health and welfare benefits.

(cf. [3100](#) - Budget)

(cf. [3400](#) - Management of Districts Assets/Accounts)

(cf. [4000](#) - Concepts and Roles)

(cf. [4154/4254/4354](#) - Health and Welfare Benefits)

The Board shall adopt separate salary schedules for certificated, classified, and supervisory and administrative personnel. These schedules shall comply with law and collective bargaining agreements and shall be printed and made available for review at the district office. (Education Code [45022](#), [45023](#), [45160](#), [45162](#), [45268](#))

(cf. [4121](#) - Temporary/Substitute Personnel)

(cf. [4141/4241](#) - Collective Bargaining Agreement)

(cf. [4143/4243](#) - Negotiations/Consultation)

Each certificated employee, except an employee in an administrative or supervisory position, shall be classified on the salary schedule on the basis of uniform allowance for education level and years of experience, unless the Board and employee organization negotiate and mutually agree to a salary schedule based on different criteria. Certificated employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the grade levels at which they teach. (Education Code [45028](#))

(cf. [4030](#) - Nondiscrimination in Employment)

Salary schedules for staff who are not a part of a bargaining unit shall be determined by the Board at the recommendation of the Superintendent or designee.

(cf. [4140/4240/4340](#) - Bargaining Units)

(cf. [4312.1](#) - Contracts)

The Board shall determine the frequency and schedule of salary payments, including whether payments for employees who work less than 12 months per year will be made over the course of the school year or in equal installments over the calendar year. However, if the district participates in the Classified School Employee Summer Assistance Program, eligible classified employees may elect to have up to 10 percent of the employee's monthly salary withheld and paid out during the summer recess in either one or two payments. (Education Code [45038](#), [45039](#), [45048](#), [45165](#), 4550)

In extraordinary circumstances or emergency situations, the Board may determine to continue to compensate employees during periods of extended closure or disruption of normal district operations when permitted by law and consistent with collective bargaining agreements and memoranda of understanding.

## **EMPLOYEE COMPENSATION (continued)**

The Superintendent or designee shall post a notice explaining the Fair Labor Standards Act's wage and hour provisions in a conspicuous place at each work site. (29 CFR [516.4](#))

### **Overtime Compensation**

District employees shall be paid an overtime rate of not less than one and one-half times their regular rate of pay for any hours worked in excess of eight hours in one day and/or 40 hours in one work week, or twice their regular rate of pay for any hours worked in excess of 12 hours in one day or eight hours on the seventh consecutive day of work. However, teachers, school administrators, and other employees in positions established by the Board as executive, administrative, or professional shall be exempt from overtime rules. (Education Code [45128](#), [45130](#); 29 USC [213](#); 29 CFR 541.0-541.710, [553.27](#), [553.32](#))

*(cf. [4300](#) - Administrative and Supervisory Personnel)*

When authorized in a collective bargaining agreement or other agreement between the district and employees, an employee may take compensatory time off in lieu of overtime compensation, provided the employee has not accrued compensatory time in excess of the limits specified in 29 USC [207](#). An employee who has requested the use of compensatory time shall be allowed to use such time within 12 calendar months after making the request if the use of the compensatory time does not unduly disrupt district operations. (Education Code [45129](#); 29 USC [207](#); 29 CFR [553.20-553.25](#))

For each nonexempt employee, the Superintendent or designee shall maintain records on the employee's wages, hours, and other information specified in 29 CFR [516.5-516.6](#).

### **Wage Overpayment**

If the district determines an employee has been overpaid, the district shall notify the employee in writing of the overpayment, afford the employee an opportunity to respond before commencing any recoupment actions, and inform the employee of the employee's rights to dispute the existence or amount of the claimed overpayment. If the employee agrees there was an overpayment in the claimed amount, reimbursement shall be made to the district through one of the methods described in Education Code 44042.5 as mutually agreed upon by the employee and the district. (Education Code 44042.5)

If a mutual agreement on a method of reimbursement is not reached, within 30 days of the employee verifying the overpayment amount, the district shall recoup the overpayment through payroll deductions in accordance with Education Code 44042.5.

If the employee does not respond or disputes the existence or amount of the district's claimed overpayment, the district shall, with board approval, initiate a legal action to recover the overpayment. (Education Code 44042.5)

## **EMPLOYEE COMPENSATION (continued)**

If the employee separates from the district before the overpayment is fully repaid, the district shall withhold the remaining balance due from any money owed to the employee upon separation, provided that the state minimum wage is still paid to the employee as required by Education Code 44042.5. The Superintendent or designee may consult with legal counsel to calculate the amount to withhold.

If an outstanding overpayment balance still remains, the district shall, with Board approval, exercise any legal means to recover the remaining amount owed by the employee. (Education Code 44042.5)

Legal action to recover any overpayment under this policy shall be initiated within three years from the date of the overpayment, which for leave credits is the date that the employee receives compensation in exchange for leave erroneously credited to the employee. (Education Code 44042.5)

(cf. [3580](#) - District Records)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

### *Legal Reference:*

#### EDUCATION CODE

[45022-45061.5](#) Salaries, especially:

[45023](#) Availability of salary schedule

[45028](#) Salary schedule for certificated employees

[45127-45133.5](#) Classified employees; work week; overtime provisions

[45160-45169](#) Salaries for classified employees

[45268](#) Salary schedule for classified service in merit system districts

#### GOVERNMENT CODE

[3540-3549](#) Meeting and negotiating, especially:

[3543.2](#) Scope of representation

[3543.7](#) Duty to meet and negotiate in good faith

#### LABOR CODE

[226](#) Employee access to payroll records

[232](#) Disclosure of wages

### *Legal Reference: continued*

#### CODE OF REGULATIONS, TITLE 8

[11040](#) Wages and hours; definitions of administrative, executive, and professional employees

#### UNITED STATES CODE, TITLE 26

[409A](#) Deferred compensation plans

#### UNITED STATES CODE, TITLE 29

[201-219](#) Fair Labor Standards Act, especially:

[203](#) Definitions

[207](#) Overtime

[213](#) Exemptions from minimum wage and overtime requirements

#### CODE OF FEDERAL REGULATIONS, TITLE 26

[1.409A-1](#) Definitions and covered plans

#### CODE OF FEDERAL REGULATIONS, TITLE 29

[516.4](#) Notice of minimum wage and overtime provisions

[516.5-516.6](#) Records

[541.0-541.710](#) Exemptions for executive, administrative, and professional employees

**EMPLOYEE COMPENSATION (continued)**

[553.1-553.51](#) *Fair Labor Standards Act; applicability to public agencies*  
COURT DECISIONS

*Flores v. City of San Gabriel, 9th Cir., June 2, 2016, No. 14-56421*

*Management Resources:*

OFFICE OF MANAGEMENT AND BUDGET PUBLICATIONS

*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) Due to Loss of Operations, Memorandum M-20-17, March 19, 2020*

WEB SITES

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

Internal Revenue Service: <http://www.irs.gov>

School Services of California, Inc.: <http://www.sscal.com>

U.S. Department of Labor, Wage and Hour Division: <http://www.dol.gov/whd>

(10/16 12/19) 5/20

Policy  
adopted: January 4, 2012  
revised: 01/17; 02/20  
revised: August 5, 2020  
revised: December 13, 2023

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California

**All Personnel**

BP 4154(a)  
4254  
4354

**HEALTH AND WELFARE BENEFITS**

The Board of Trustees recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

*(cf. [4140/4240/4340](#) - Bargaining Units)  
(cf. [4141/4241](#) - Collective Bargaining Agreement)  
(cf. [4151/4251/4351](#) - Employee Compensation)*

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

*(cf. [4300](#) - Administrative and Supervisory Personnel)*

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code [297.5](#), [300](#))

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

**Continuation of Coverage**

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

## HEALTH AND WELFARE BENEFITS (continued)

### Confidentiality

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code [56.21](#), except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code [56.20](#))

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

#### Legal Reference:

##### EDUCATION CODE

[7000-7008](#) Health and welfare benefits, retired certificated employees

[17566](#) Self-insurance fund

[35208](#) Liability insurance

[35214](#) Liability insurance (self-insurance)

[44041-44042](#) Payroll deductions for collection of premiums

[44986](#) Leave of absence, state disability benefits

[45136](#) Benefits for classified employees

##### CIVIL CODE

[56.10-56.16](#) Disclosure of information by medical providers

[56.20-56.245](#) Use and disclosure of medical information by employers

##### FAMILY CODE

[297-297.5](#) Rights, protections and benefits under law; registered domestic partners

##### GOVERNMENT CODE

[12940](#) Discrimination in employment

[22750-22944](#) Public Employees' Medical and Hospital Care Act

[53200-53210](#) Group insurance

##### HEALTH AND SAFETY CODE

[1366.20-1366.29](#) Cal-COBRA program, health insurance

[1367.08](#) Disclosure of fees and commissions paid related to health care service plan

[1373](#) Health services plan, coverage for dependent children who are full-time students

[1373.621](#) Continuation coverage, age 60 or older after five years with district

[1374.58](#) Coverage for registered domestic partners, health service plans and health insurers

##### INSURANCE CODE

[10116.5](#) Continuation coverage, age 60 or older after five years with district

[10128.50-10128.59](#) Cal-COBRA program, disability insurance

[10277-10278](#) Group and individual health insurance, coverage for dependent children

[10604.5](#) Annual disclosure of fees and commissions paid

[12670-12692.5](#) Conversion coverage

##### LABOR CODE

[2800.2](#) Notification of conversion and continuation coverage

[4856](#) Health benefits for spouse of peace officer killed in performance of duties

##### UNEMPLOYMENT INSURANCE CODE

[2613](#) Education program; notice of rights and benefits

Legal Reference: (continued on next page)

**HEALTH AND WELFARE BENEFITS (continued)**

*Legal Reference: continued*

*UNITED STATES CODE, TITLE 1*

*7 Definition of marriage, spouse*

*UNITED STATES CODE, TITLE 26*

*105 Self-insured medical reimbursement plan; definition of highly compensated individual*

*[4980B](#) COBRA continuation coverage*

*4980H Penalty for noncompliance with employer-provided health care requirements*

*5000A Minimum essential coverage*

*6056 Report of health coverage provided to employees*

*UNITED STATES CODE, TITLE 29*

*[1161-1168](#) COBRA continuation coverage*

*UNITED STATES CODE, TITLE 42*

*300gg-300gg95 Patient Protection and Affordable Care Act, especially:*

*300gg-16 Group health plan; nondiscrimination in favor of highly compensated individuals*

*[1395-1395g](#) Medicare benefits*

*CODE OF FEDERAL REGULATIONS, TITLE 26*

*54.4980B-1-54.4980B-10 COBRA continuation coverage*

*54.4980H-1-54.4980H-6 Patient Protection and Affordable Care Act*

*1.105-11 Self-insured medical reimbursement plan*

*CODE OF FEDERAL REGULATIONS, TITLE 45*

*[164.500-164.534](#) Health Insurance Portability and Accountability Act (HIPAA)*

*Management Resources:*

*CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS*

*Health Policy: Implications of Covered California for School Boards, Districts and Personnel, Governance Brief, January 2013*

*INTERNAL REVENUE SERVICE NOTICES*

*2011-1 Affordable Care Act Nondiscrimination Provisions Applicable to Insured Group Health Plans*

*U.S. DEPARTMENT OF TREASURY PUBLICATIONS*

*Fact Sheet: Final Regulations Implementing Employer Shared Responsibility Under the Affordable Care Act (ACA) for 2015*

*WEB SITES*

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

*California Employment Development Department: <http://www.edd.ca.gov>*

*Internal Revenue Service: <http://www.irs.gov>*

*U.S. Department of Health and Human Services, Centers for Medicare and Medicaid*

*Services: <http://www.cms.gov>*

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

*(7/09 7/12) 10/15*

Policy  
adopted: January 4, 2012  
revised: December 14, 2015

**BIGGS UNIFIED SCHOOL DISTRICT**  
Biggs, California



**All Personnel**

AR 4154(a)

4254

**HEALTH AND WELFARE BENEFITS**

4354

**Affordability of Health Coverage**

The Superintendent or designee shall seek written assurance from the district's health insurance carrier(s) that the health plan offered to full-time district employees and their dependents meets all requirements of the federal Patient Protection and Affordable Care Act. (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6)

The Superintendent or designee also shall ensure that each employee's contribution to the employee-only health coverage does not exceed 9.5 percent of his/her modified household income, as defined in 26 USC 5000A. The Superintendent or designee shall calculate the affordability of the coverage using one or more of the following methods in a uniform and consistent basis for all employees within the same category: (26 USC 4980H; 26 CFR 54.4980H-4-54.4980H-5)

1. The district shall ensure that the lowest cost employee-only coverage does not exceed 9.5 percent of wages paid to the employee by the district for the calendar year as reported on the employee's W-2 tax form. For an employee not offered coverage for an entire calendar year, the wages shall be adjusted to reflect the period for which coverage was offered.
2. The district shall ensure that the employee's required monthly contribution for the lowest cost employee-only coverage does not exceed 9.5 percent of an amount equal to 130 hours multiplied by the employee's hourly rate of pay on the first day of the plan year or his/her lowest hourly pay during the calendar month, whichever is lower.
3. The district shall ensure that the employee's contribution does not exceed 9.5 percent of a monthly amount determined as the federal poverty line for a single individual for the applicable calendar year, divided by 12.

**Retired Certificated Employees**

Any former certificated employee who retired from the district under any public retirement system and his/her spouse/domestic partner shall be permitted to enroll in the health and welfare and/or dental care benefit plan currently provided for certificated employees. The plan also shall be available to any surviving spouse/domestic partner of a former certificated employee who either retired from the district under any public retirement system or was, at the time of death, employed by the district and a member of the State Teachers' Retirement System. (Education Code [7000](#))

A retired certificated employee or surviving spouse/domestic partner shall be allowed to enroll in the coverage within 30 days of losing active employee coverage. If he/she does not enroll during this initial enrollment period, he/she may be denied further opportunity to do so. (Education Code [7000](#))

## HEALTH AND WELFARE BENEFITS (continued)

### COBRA/Cal-COBRA Continuation Coverage

Covered district employees and their qualified beneficiaries shall be offered the opportunity to continue health and disability insurance coverage when they otherwise would lose coverage due to one of the following qualifying events: (Health and Safety Code [1366.21](#), [1366.23](#), [1373](#); Insurance Code [10128.51](#), [10128.53](#), [10277](#); 26 USC [4980B](#); 26 CFR 54.4980B-4)

1. Death of the covered employee
2. Termination or reduction in hours of the covered employee's employment, other than termination by reason of the employee's gross misconduct

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

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

3. Divorce or legal separation of the covered employee
4. The covered employee becoming entitled to Medicare benefits
5. A dependent child ceasing to be a dependent child of the covered employee

Continuation health coverage shall be the same as provided to similarly situated individuals under the group benefit plan. (Health and Safety Code [1366.23](#); Insurance Code [10128.53](#); 26 USC [4980B](#))

The Superintendent or designee shall notify the health care service plan administrator of a qualifying event listed in item #1, 2, or 4 above, within 30 days of the event. A covered employee or qualified beneficiary shall notify the service plan administrator of a qualifying event listed in item #3 or 5 above within 60 days of the event or of the date that the beneficiary would lose coverage, whichever is later. (26 USC [4980B](#); 29 USC [1163](#), [1166](#); 26 CFR 54.4980B-6)

Continuation coverage shall be terminated in accordance with the district's insurance plan and federal and state law. (26 USC [4980B](#); 26 CFR 54.4980B-6; Health and Safety Code [1373.621](#); Insurance Code [10116.5](#))

The Superintendent or designee shall notify covered employees and qualified beneficiaries of the availability of conversion and continuation coverage. This notification shall include the statement in Labor Code [2800.2](#) encouraging individuals to examine their options carefully before declining such coverage. (Labor Code [2800.2](#))

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

**HEALTH AND WELFARE BENEFITS** (continued)

**Disability Insurance**

The Superintendent or designee shall give notice of disability insurance rights and benefits to each new employee and each employee leaving work due to pregnancy, nonoccupational illness or injury, the need to provide care for any sick or injured family member, or the need to bond with a minor child within the first year of the child's birth or placement in connection with foster care or adoption. (Unemployment Insurance Code [2613](#))

*(cf. [4157.1/4257.1/4357.1](#) - Work-Related Injuries)*  
*(cf. [4161/4261/4361](#) - Leaves)*  
*(cf. [4161.1/4361.1](#) - Personal Illness/Injury Leave)*  
*(cf. [4161.8/4261.8/4361.8](#) - Family Care and Medical Leave)*  
*(cf. [4261.1](#) - Personal Illness and Injury Leave)*

When disabled by an injury sustained from a violent act while performing duties within the scope of employment and performing creditable employment, a certificated or classified employee may continue in the district health and dental care plans upon meeting criteria specified by law. The employee shall pay all employer and employee premiums and related administrative costs. (Education Code [7008](#))

*(3/10 7/12) 10/15*

**All Personnel**

BP 4156.2(a)  
4256.2  
4356.2

**AWARDS AND RECOGNITION**

The Board of Trustees values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

*(cf. 1150 - Commendations and Awards)*  
*(cf. 5126 - Awards for Achievement)*

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

*(cf. 6115 - Ceremonies and Observances)*

The Board may authorize awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations
2. Perform special acts or services in the public interest
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

*(cf. 3100 - Budget)*  
*(cf. 3300 - Expenditures and Purchases)*

The Superintendent or designee may establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Private monetary awards to employees shall not exceed \$200 unless expressly approved by the Board. (Education Code 44015)

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 9140 - Board Representatives)*

*Legal Reference: (see next page)*

BP 4156.2(b)  
4256.2  
4356.2

## **AWARDS AND RECOGNITION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*35161 Powers and duties generally*

*37222.10 Days of significance, including Day of the Teacher*

*44015 Awards to employees*

*45460 Classified School Employee Week*

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Governance: The Board's Relationship to District Staff, 2008*

#### WEB SITES

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

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>