

**TEMPORARY ATHLETIC TEAM COACHES**

At the first regular Board of Education meeting or within 30 days after selection of a temporary athletic team coach, whichever is sooner, the Superintendent or designee shall certify to the Board that all temporary athletic team coaches meet the qualifications and competencies required by law. (5 CCR 5594)

Upon the recommendation of the Superintendent or designee, the Board shall certify to the State Board of Education, by April 1 of each year, that the district conforms with state requirements governing the employment of temporary athletic team coaches. (5 CCR 5594)

**Competencies**

The Superintendent or designee shall determine whether a temporary athletic team coach is knowledgeable and competent in the areas of: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures

The Superintendent or designee shall establish qualifications in this competency area 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 cardiopulmonary resuscitation (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. Practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning and both valid CPR and first aid cards

2. Coaching techniques

The Superintendent or designee shall establish qualifications in 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

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

- 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 high school level or above in the sport being coached
3. Rules and regulations in the athletic activity being coached

The Superintendent or designee shall establish 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.

4. Child or adolescent psychology, whichever is appropriate to the grade level of the involved activity

The Superintendent or designee shall establish competency in knowledge of child or adolescent psychology 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)

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

### **Additional Competencies for Noncertificated Personnel**

In addition to the competencies listed above, the Superintendent or designee shall determine that a noncertificated person employed as a temporary athletic team coach: (5 CCR 5592)

1. Has not 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.

*(cf. 4212.5 - Criminal Record Check)*

2. Is 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)*

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

### **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

**TEMPORARY ATHLETIC TEAM COACHES** (continued)

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
11. Avoid suggesting, providing or encouraging any athlete to use nonprescriptive 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
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the Board and the league in which the district participates

*Legal Reference:*

EDUCATION CODE

35179-35179.7 Interscholastic athletics

44010 Sex offense

44011 Controlled substance offense

44424 Conviction of a crime

44808 Liability when students are not on school property

44919 Classification of temporary employees

49030-39033 Performance-enhancing substances

CODE OF REGULATIONS, TITLE 5

5531 Supervision of extracurricular activities of pupils

5590-5596 Duties of temporary athletic team coaches

COURT DECISIONS

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:*

CSBA POLICY BRIEFS

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

WEB SITES

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

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

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

Regulation  
approved:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
Santa Monica, California

**STAFF DEVELOPMENT**

The Board of Education believes that, in order to maximize student learning and achievement, certificated staff members must be continuously learning and improving their 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 and become informed about changes in pedagogy and subject matter.

*(cf. 6111 - School Calendar)*

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

1. Mastery of discipline-based knowledge, including academic content in the core curriculum and academic standards

*(cf. 6011 - Academic Standards)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.5 - Environmental Education)*

*(cf. 6142.6 - Visual and Performing Arts Education)*

*(cf. 6142.7 - Physical Education)*

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6142.91 - Reading/Language Arts Instruction)*

*(cf. 6142.92 - Mathematics Instruction)*

*(cf. 6142.93 - Science Instruction)*

2. Use of effective, subject-specific teaching methods, strategies, and skills

3. Use of technologies to enhance instruction

*(cf. 0440 - District Technology Plan)*

4. Sensitivity to and ability to meet the needs of diverse student populations, including, but not limited to, students of various racial and ethnic groups, students with disabilities, English language learners, economically disadvantaged students, gifted and talented students, and at-risk students

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

*(cf. 4112.23 - Special Education Staff)*

*(cf. 5147 - Dropout Prevention)*

*(cf. 5149 - At-Risk Students)*

*(cf. 6141.5 - Advanced Placement)*

*(cf. 6171 - Title I Programs)*

*(cf. 6172 - Gifted and Talented Student Program)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

**STAFF DEVELOPMENT** (continued)

5. Understanding of how academic and career technical instruction can be integrated and implemented to increase student learning

*(cf. 6178 - Career Technical Education)*

6. Knowledge of strategies that enable parents/guardians to participate fully and effectively in their children's education

*(cf. 1240 - Volunteer Assistance)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

7. Effective classroom management skills and strategies for establishing a climate that promotes respect, fairness, and discipline, including conflict resolution and intolerance and hatred prevention

*(cf. 5137 - Positive School Climate)*

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

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

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

*(cf. 6162.5 - Student Assessment)*

10. Knowledge of topics related to student health, safety, and welfare

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3515.5 - Sex Offender Notification)*

*(cf. 5030 - Student Wellness)*

*(cf. 5131.6 - Alcohol and Other Drugs)*

*(cf. 5131.63 - Steroids)*

*(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5141.52 - Suicide Prevention)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

11. Knowledge of topics related to employee health, safety, and security

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

*(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)*

*(cf. 4119.43/4219.43/4319.43 - Universal Precautions)*

**STAFF DEVELOPMENT** (continued)

*(cf. 4157/4257/4357 - Employee Safety)*  
*(cf. 4158/4258/4358 - Employee Security)*

The Superintendent or designee may, in conjunction with individual teachers and interns, develop an individualized program of professional growth which contributes to competence, performance, and effectiveness in teaching and classroom assignments and, as necessary, assists them in meeting state or federal requirements to be fully qualified for their positions.

*(cf. 4112.2 - Certification)*  
*(cf. 4112.21 - Interns)*  
*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*  
*(cf. 4131.1 - Beginning Teacher Support/Induction)*  
*(cf. 4138 - Mentor Teachers)*

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

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4139 - Peer Assistance and Review)*

The Superintendent or designee shall involve teachers, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district priorities for student achievement, school improvement objectives, and school plans.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0520.1 - High Priority Schools Grant Program)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*  
*(cf. 0520.4 - Quality Education Investment Schools)*

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

*(cf. 3100 - Budget)*  
*(cf. 3350 - Travel Expenses)*

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.

**STAFF DEVELOPMENT (continued)**

(cf. 0500 - Accountability)

*Legal Reference:*

EDUCATION CODE

41520-41522 *Teacher Credentialing Block Grant, including beginning teacher support*  
41530-41533 *Professional Development Block Grant*  
44032 *Travel expense payment*  
44259.5 *Standards for teacher preparation*  
44277 *Professional growth programs for individual teachers*  
44279.1-44279.7 *Beginning Teacher Support and Assessment Program*  
44325-44329.5 *District interns*  
44450-44468 *University internship program*  
44560-44562 *Certificated Staff Mentoring Program*  
44570-44578 *Inservice training, secondary education*  
44580-44591 *Inservice training, elementary teachers*  
44630-44643 *Professional Development and Program Improvement Act of 1968*  
44700-44705 *Classroom teacher instructional improvement program*  
44735 *Teaching as a Priority Block Grant; teacher recruitment and retention in high-priority schools*  
45028 *Salary schedule and exceptions*  
48980 *Notification of parents/guardians: schedule of minimum days*  
52055.600-52055.662 *High Priority Schools Grant Program*  
56240-56245 *Staff development; service to persons with disabilities*  
99200-99206 *Subject matter projects*  
99220-99227 *California Professional Development Institutes*  
99230-99242 *Mathematics and Reading Professional Development Program*  
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS  
44579-44579.6 *Instructional Time and Staff Development Reform Program*

GOVERNMENT CODE

3543.2 *Scope of representation of employee organization*

CODE OF REGULATIONS, TITLE 5

11980-11985.6 *Mathematics and Reading Professional Development Program*  
13025-13044 *Professional development and program improvement*

UNITED STATES CODE, TITLE 20

6319 *Highly qualified teachers*  
6601-6702 *Preparing, Training and Recruiting High Quality Teachers and Principals*

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

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

*Management Resources: (see next page)*

**STAFF DEVELOPMENT** (continued)

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*State Board of Education Guidelines and Criteria for Approval of Training Providers, March 2008*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*California Standards for the Teaching Profession, 1997*

WEB SITES

*Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>*

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

*California Department of Education, Professional Development: <http://www.cde.ca.gov/pd>*

*California Subject Matter Projects: <http://csmj.ucop.edu>*

**BEGINNING TEACHER SUPPORT/INDUCTION**

The Board of Education recognizes that intensive professional development and support will help beginning teachers apply their academic preparation more effectively in the classroom and result in greater district retention of capable beginning teachers. The Superintendent or designee shall ensure that first- and second-year teachers receive guidance to help them make an effective transition into the teaching profession.

*(cf. 4131 - Staff Development)*

The Superintendent or designee shall inform beginning teachers about induction programs that are available to help them fulfill the requirements of the professional clear multiple- or single-subject teaching credential pursuant to Education Code 44259.

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

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

**District-Sponsored BTSA Induction Program**

When approved by the Commission on Teacher Credentialing (CTC) and the Superintendent of Public Instruction, the district may serve as a sponsor of an induction program. The program shall meet state standards for induction programs and shall support beginning teachers in meeting the competencies described in the California Standards for the Teaching Profession.

The Superintendent or designee, with input from vested stakeholders, shall pair each participating teacher with a support provider who is an experienced teacher, knowledgeable about beginning teacher development and needed competencies, and effective in interpersonal and communication skills. The roles and responsibilities of support providers shall be clearly defined and communicated to all program participants.

*(cf. 4138 - Mentor Teachers)*

The Superintendent or designee shall provide initial preparation and additional professional development for support providers to enable them to acquire and enhance their knowledge and skills needed to work with beginning teachers.

Professional development provided to a beginning teacher in the BTSA Program shall be based on the California Standards for the Teaching Profession, which takes into consideration the teacher's prior preparation and experience.

Subject to verification and approval of the Superintendent or designee, a beginning teacher shall not be required to demonstrate that a competency has been met, nor complete a program element designed to assist beginning teachers in meeting that competency, if he/she previously met the competency while participating in a CTC-approved teacher preparation program. (Education Code 44279.1)

**BEGINNING TEACHER SUPPORT/INDUCTION** (continued)

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 the program as needed to support the individual teacher. The Superintendent or designee shall maintain a complete record of each participating teacher's participation and progress toward completion of professional credential requirements.

Performance assessments conducted as part of the induction program shall not be used for employment-related evaluations, as a condition of employment, or as a basis of terminating employment. (Education Code 44279.1)

*(cf. 4115 - Evaluation/Supervision)*

*(cf. 4117.4 - Dismissal)*

The Superintendent or designee shall conduct an annual evaluation of the induction program and shall report to the Board regarding its effectiveness in meeting induction program goals.

*(cf. 0500 - Accountability)*

*(cf. 9000 - Role of the Board)*

*Legal Reference: (see next page)*

**BEGINNING TEACHER SUPPORT/INDUCTION (continued)**

*Legal Reference:*

EDUCATION CODE

41520-41522 *Teacher Credentialing Block Grant*

41530-41532 *Professional Development Block Grant*

44259 *Credential requirements*

44259.5 *Standards for professional preparation programs*

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

44279.1-44279.7 *Beginning Teacher Support and Assessment Program (BTSA)*

44325-44329 *District interns*

44380-44386 *Alternative certification*

44450-44468 *University interns*

44560-44562 *Certificated Staff Mentoring Program*

CODE OF REGULATIONS, TITLE 5

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

80055 *Internship 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/CALIFORNIA DEPARTMENT OF EDUCATION  
POLICY

*Funding Policy for Teacher Development Programs, December 2006*

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

*Induction Manual: A Credential Application Processing Guidebook for Commission-Approved Induction Programs, June 2004*

*Final Report of the Individual Evaluation of the Beginning Teacher Support and Assessment Program, April 2002*

*Standards of Quality and Effectiveness for Professional Teacher Induction Programs, March 2002*

*California Standards for the Teaching Profession, 1997*

WEB SITES

*Beginning Teacher Support and Assessment: <http://www.btsa.ca.gov>*

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

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

**PUBLICATION OR CREATION OF MATERIALS**

The Board of Education recognizes the importance of creating a work environment that encourages employee innovation in creating and developing high-quality materials to improve student achievement and the efficiency of district operations.

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

*(cf. 6162.6 - Use of Copyrighted Materials)*

The Superintendent or designee shall oversee the development of instructional materials, computer programs, and other copyrightable materials by employees, independent contractors, and consultants. An employee, independent contractor, or consultant shall notify the Superintendent or designee of his/her intent to publish or register a work developed in whole or in part within the scope of his/her employment.

*(cf. 3600 - Consultants)*

Instructional materials, computer programs, and other copyrightable materials developed by an employee within the scope of his/her employment shall be the property of the district.

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

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

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

*(cf. 6161 - Equipment, Books and Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

If an employee has developed copyrightable material during both work and non-working hours, and the work was within the scope of his/her employment, the Superintendent or designee shall negotiate a contract with the employee to protect the district's right as to the ownership or partial ownership of the copyright.

*(cf. 3312 - Contracts)*

The Superintendent or designee shall ensure that any contract with an independent contractor or consultant contains a provision specifying the district's right to ownership of the copyright of any work produced by the contractor or consultant for the district.

The Superintendent or designee may secure copyrights in the name of the district for all copyrightable works developed by the district. All royalties or revenues from these copyrights shall be used for the benefit of the district. (Education Code 35170)

*Legal Reference: (see next page)*

**PUBLICATION OR CREATION OF MATERIALS** (continued)

*Legal Reference:*

EDUCATION CODE

32360 Copyrights; use of funds

32361 Copyrights; use of employee work time

35170 Authority to secure copyrights

35182 Marketing or licensing noneducational mainframe electronic data-processing software

60076 Royalties or other compensation

LABOR CODE

2870-2872 Inventions made by an employee

UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright

201 Copyright ownership and transfer

COURT DECISIONS

Community for Creative Non-Violence v. Reid, (1989) 490 U.S. 730

*Management Resources:*

WEB SITES

Copyright Clearance Center: <http://www.copyright.com>

Copyright Society of the USA: <http://www.csusa.org>

U.S. Copyright Office: <http://www.copyright.gov>

**All Personnel**

BP 4135

4235

**SOLICITING AND SELLING**

4335

Employees shall not solicit district staff, students or their families with the intent to sell general merchandise, books, equipment or services for their own personal profit or benefit. Solicitation of students and staff on behalf of the school or other charitable organizations shall be conducted in accordance with applicable Board policy and administrative regulation.

*(cf. 1325 - Advertising and Promotion)*

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

*(cf. 4136/4236/4336 - Tutoring)*

*(cf. 5022 - Student and Family Privacy Rights)*

Staff members shall respect the confidentiality of district employees and students and shall not use their status as district employees to secure information such as names, addresses, e-mail addresses, and telephone numbers for solicitations or use in personal profit-making or beneficial ventures.

*(cf. 5125.1 - Release of Directory Information)*

Educational tours may be promoted on school premises only if they are sponsored by the district. Employees engaged in planning, organizing or leading tours as private, non-district-sponsored businesses shall make it clear that they do not represent the school or district. All activities related to such tours must be carried on outside of school hours and off school premises, unless the school premises are rented under Board policy 1330 - Use of School Facilities.

*(cf. 3312.2 - Educational Travel Program Contracts)*

Staff participation in "flower funds," "anniversary funds" or other similar funds shall be voluntary.

*(cf. 4161.9/4261.9/4361.9 - Catastrophic Leave Program)*

*Legal Reference:*

EDUCATION CODE

*51520 Prohibited solicitations on school premises*

**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 Education 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>

**PEER ASSISTANCE AND REVIEW**

In order to assist teachers who may need additional development in subject matter knowledge and/or teaching strategies, the Board of Education shall work with the local teachers' organization to establish and maintain a program of peer assistance and review linking participating teachers with exemplary teachers serving as consulting teachers. Consulting teachers shall provide sustained, intensive support including, but not limited to, multiple classroom observations, recommendations for staff development and regular meetings with participating teachers.

*(cf. 4140/4240 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Superintendent or designee shall establish in accordance with law a joint teacher-administrator peer review panel to manage the program.

Board decisions regarding the continued employment of an individual participating teacher shall include consideration of the results of the individual's participation in the peer assistance and review program and the recommendations of the consulting teacher and review panel.

*(cf. 4115 - Evaluation/Supervision)*  
*(cf. 4117.4 - Dismissal)*

The Board shall coordinate policies and procedures related to the district's peer assistance and review program with other district activities for staff development, teacher support and staff evaluation.

*(cf. 4131 - Staff Development)*  
*(cf. 4315.1 - Staff Evaluating Teachers)*

*Legal Reference:*

EDUCATION CODE

- 44279.1-44279.7 *Beginning teacher support and assessment*
- 44325-44328 *District intern program*
- 44500-44508 *Peer assistance and review program*
- 44560-44562 *Certificated Staff Mentoring Program*
- 44662 *Evaluation of certificated employees*
- 44664 *Evaluation*

*Management Resources:*

WEB SITES

- CSBA: <http://www.csba.org>
- CDE: <http://www.cde.ca.gov>
- California Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
- California Teachers Association: <http://www.cta.org>
- California Federation of Teachers: <http://www.cft.org>

Policy  
adopted:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
Santa Monica, California

**NEGOTIATIONS/CONSULTATION**

The Board of Education recognizes its responsibility to represent the public's interests in the collective bargaining process. In negotiating 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 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

The Board 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)

The Board believes that effective negotiations require the input of all levels of the administration. The Board shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations.

The Board and Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of district goals and priorities.

In consultation with the Superintendent and employee organization, the Board shall determine the collective bargaining approach or method to be used.

The Board with its bargaining team shall establish standards of conduct pertaining to the negotiations process for individual Board members and members of the bargaining team. Certain meetings related to negotiations shall be held in closed session in accordance with Government Code 3549.1 when not required by state open meeting laws (the Brown Act) to be held in public. Matters discussed in these meetings shall be kept in strict confidence.

*(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 closely 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.

*(cf. 3100 - Budget)*

## **NEGOTIATIONS/CONSULTATION (continued)**

The Board and/or Superintendent shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.

*(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 Board shall participate in good faith in state 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 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)*

*Legal Reference: (see next page)*

**NEGOTIATIONS/CONSULTATION (continued)**

*Legal Reference:*

GOVERNMENT CODE  
3540-3549.3 *Educational Employment Relations Act*

*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>  
Public Employment Relations Board: <http://www.perb.ca.gov>  
State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/csmcs/smcs.html>

**PUBLIC NOTICE - PERSONNEL NEGOTIATIONS**

Because the Board of Education 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)

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)

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

*(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**

AR 4144(a)

4244

**COMPLAINTS**

4344

Except as specified below, the following procedure shall be used for 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)*

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 for complaints regarding discrimination in employment.

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

*(cf. 4031 - Complaints Concerning Discrimination 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 the district's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the district's Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

Any of the time limits specified in this 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.

## **COMPLAINTS** (continued)

### **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 settled on the basis of the answer given at 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.

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 Board of Education**

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.

**COMPLAINTS** (continued)

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.

*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>

Regulation  
approved:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
Santa Monica, California

**All Personnel**

BP 4154(a)  
4254  
4354

**HEALTH AND WELFARE BENEFITS**

The district shall provide health and welfare benefits for certificated and classified employees in bargaining units in accordance with state and federal law and subject to negotiated employee agreements.

*(cf. 4140/4240 - Bargaining Units)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*

Certificated management, supervisory and confidential 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, supervisory and confidential 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)*

The Superintendent or designee shall maintain the confidentiality of employee health records in accordance with law.

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

*Legal Reference: (see next page)*

## HEALTH AND WELFARE BENEFITS (continued)

### Legal Reference:

#### EDUCATION CODE

7000-7008 Health and welfare benefits, retired certificated employees

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

#### FAMILY CODE

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

#### GOVERNMENT CODE

22750-22944 Public Employees' Medical and Hospital Care Act, especially:

22931 Application of education code provisions relating to inclusion of certain retirees in local health and welfare benefit plans

53200-53210 Group insurance

#### HEALTH AND SAFETY CODE

1366.20-1366.29 Cal-COBRA program, health insurance

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

12670-12692.5 Conversion coverage

#### LABOR CODE

2800.2 Notification of conversion and continuation coverage

#### UNEMPLOYMENT INSURANCE CODE

2613 Education program; notice of rights and benefits

#### UNITED STATES CODE, TITLE 26

4980B COBRA continuation coverage

#### UNITED STATES CODE, TITLE 29

1161-1168 COBRA continuation coverage

#### UNITED STATES CODE, TITLE 42

1395-1395g Medicare benefits

#### CODE OF FEDERAL REGULATIONS, TITLE 26

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

#### CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

### Management Resources:

#### WEB SITES

California Department of Industrial Relations: <http://www.dir.ca.gov>

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

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

Policy  
adopted:

**SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
Santa Monica, California