

Annual Notice Requirements 2024-2025

Pioneer Union School District

Please familiarize yourself with district policies, regulations and information on various public health and safety information, and obligatory notices on the following subjects:

- Sexual Harassment – AR4119.11/4219.11/4319.11
- Pesticide Notification (Integrated Pest Management) – AR3514.2
- Uniform Complaint Procedures – AR1312.3, BP0460, BP3260
- Annual Notification of Volunteer Agreement for Training In Administration of Epinephrine Auto-Injector – AR5141.21
- Drug and Alcohol Free Workplace – BP4020
- Proper Use of AED – AR5141
- Tobacco Free Schools – AR3513.3
- Universal Precautions / HIV/Hepatitis B – AR4119.43
- Nondiscrimination in Employment – BP0410, BP4030
- Complaints Concerning Discrimination in Employment – AR4031
- FMLA/CFRA – AR4161.8/4261.8/4361.8
- Environmental Safety – AR3514
- Child Abuse Prevention and Reporting – AR5141.4
- Bloodborne Pathogens – AR4119.42
- Work-Related Injuries – AR4157.1
- Employee Use of Technology – BP4190
- Rights of Victims of Domestic Violence, Sexual Assault and Stalking
- Reasonable Accommodation – AR4032
- Complaints – BP/AR4144
- Arts & Craft Materials that CANNOT be Purchased for use in TK – 6th Grade

You may access the Annual Notice Electronically on the District website (www.pioneerusd.org), or request one from the District Office. You may also access the Employee Handbook on the District website.

My signature below acknowledges that I have received the Annual Notice. It is my responsibility to familiarize myself with the Annual Notice Requirements 2024-2025, the Employee Notices Poster and the Employee Handbook.

Print Name

Date

Signature

Policy 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 09/10/2020

Cautionary Notice: The following administrative regulation reflects federal Title IX regulations added by 85 Fed. Reg. 30026, effective August 14, 2020, which establish a process for investigating and resolving allegations of conduct that meets the federal definition of sexual harassment. The federal regulations preempt any conflicting state law or regulations, but the interaction between federal and state law is not always clear. Districts should consult legal counsel if questions about a potential conflict arise. Districts should also note that 18 states, including California, have sued the U.S. Department of Education to stop the implementation of these regulations. A preliminary injunction seeking to postpone the effective date of the regulations and prohibit their enforcement is currently pending. If the court grants the injunction, portions of the following administrative regulation will not take effect.

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

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

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

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

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

Sexual Harassment Reports and Complaints

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

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through either AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX definition of sexual harassment or AR 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

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

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

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Policy 4219.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 09/10/2020

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

(cf. 4030 - Nondiscrimination in Employment)

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(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Policy 4319.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 09/10/2020

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

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(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

Regulation 3514.2: Integrated Pest Management

Status: ADOPTED

Original Adopted Date: 06/14/2018

Definitions

Integrated pest management (IPM) means a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Education Code 17609; Food and Agricultural Code 13181)

(cf. 3510 - Green School Operations)

School site means any facility used as a child day care facility or for kindergarten, elementary, or secondary school purposes and includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by students. (Education Code 17609)

Program Components

The Superintendent or designee shall designate an employee at the district office and/or school site to develop, implement, and coordinate an IPM strategy that incorporates effective, least toxic pest management practices.

The IPM coordinator shall prepare and annually update a districtwide or school site IPM plan based on the template provided by the California Department of Pesticide Regulation (DPR).

The IPM plan shall include the name of the district and/or school IPM coordinator, the pesticides expected to be applied at the school site by district employees and/or pest control applicators, and a date that the plan shall be reviewed and, if necessary, updated. (Education Code 17611.5)

The district shall use pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment. Such pesticides shall only be used after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

The IPM plan and this administrative regulation shall not apply to reduced-risk pesticides, including self-contained baits or traps, gels or pastes used for crack and crevice treatments, antimicrobials, and pesticides exempt from registration by law. (Education Code 17610.5; 3 CCR 6147)

The district's program shall include, but not necessarily be limited to, the following components:

1. Identifying and monitoring pest population levels and identifying practices that could affect pest populations. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property, or the environment.
2. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazards that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative cost-effective treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for the use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazardous effects to people and the environment.

No pesticide that is prohibited by DPR or the U.S. Environmental Protection Agency, as listed on the DPR web site, shall be used at a school site. (Education Code 17610.1)

6. Limiting pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff. They shall be stored and disposed of in accordance with state regulations and product label directions.

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

7. Informing parents/guardians and employees regarding pesticide use as described in the sections "Notifications" and "Warning Signs" below.

8. Ensuring that persons applying pesticides follow label precautions and are sufficiently trained in the principles and practices of IPM as described in the section "Training" below.

9. Evaluating the effectiveness of treatments to determine if revisions to the IPM plan are needed.

Training

The IPM coordinator and any employee or contractor who may be designated to apply a pesticide at a school site shall annually complete a DPR-approved training course on IPM and the safe use of pesticides in relation to the unique nature of school sites and children's health. (Education Code 17614; Food and Agricultural Code 13186.5)

(cf. 4231 - Staff Development)

Any district employee who handles pesticides shall also receive pesticide-specific safety training prior to applying pesticides and annually thereafter in accordance with 3 CCR 6724.

Notifications

Staff and parents/guardians of students enrolled at a school site shall be annually notified, in writing, regarding pesticide products expected to be applied at the school site in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it
2. The Internet address (<http://www.cdpr.ca.gov/schoolipm>) used to access information on pesticides and pesticide use reduction developed by the DPR pursuant to Food and Agricultural Code 13184
3. If the school has posted its IPM plan, the Internet address where the plan may be found
4. The opportunity to view a copy of the IPM plan in the school office
5. An opportunity for interested persons to register to receive prior notification of each application of a pesticide at the school site
6. Other information deemed necessary by the IPM coordinator

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

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

(cf. 5145.6 - Parental Notifications)

Whenever a person registers to receive notice of individual pesticide application pursuant to item #5 above, the IPM coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application. (Education Code 17612)

If a pesticide product not included in the annual notification is subsequently intended for use at a school site, the IPM coordinator shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

If a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5, it shall post the school or district IPM plan on the school's web site or, if the school does not have a web site, then on the district web site. If neither the school nor district has a web site, then the IPM plan shall be included with the annual notification sent to staff and parents/guardians pursuant to Education Code 17612 as described above. When not required, the IPM coordinator may post or distribute the IPM plan at his/her discretion. (Education Code 17611.5)

Whenever the IPM coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

Warning Signs

The IPM coordinator shall post a warning sign at each area of the school site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and shall remain posted until 72 hours after the application. The warning sign shall prominently display the following information: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area"
2. The product name, manufacturer's name, and the EPA's product registration number
3. Intended areas and dates of application
4. Reason for the pesticide application

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide to protect the health and safety of students, staff, or other persons or the school site, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

Records

At the end of each calendar year, the IPM coordinator shall submit to DPR, on a form provided by DPR, a copy of the records of all pesticide use at the school site for that year, excluding any pesticides exempted by law and any pesticide use reported by the pest control operator pursuant to Food and Agricultural Code 13186. The IPM coordinator may submit more frequent reports at his/her discretion. (Education Code 17611)

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. A school may meet this requirement by retaining a copy of the warning sign posted for each pesticide application with a recording on that copy of the amount of the pesticide used. (Education Code 17611)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Pesticide Use near School Site

Upon receiving notification pursuant to 3 CCR 6692 that a grower expects to use agricultural pesticides within one-quarter mile of a school site Monday through Friday from 6:00 a.m. to 6:00 p.m., the principal or designee shall notify the Superintendent or designee, IPM coordinator, staff at the school site, and parents/guardians of students enrolled at the school.

The principal or designee may communicate with any grower within one-quarter mile of the school to request that the grower not apply pesticides during evenings or weekends when school activities are scheduled.

Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/13/2020 | **Last Revised Date:** 11/08/2023 | **Last Reviewed Date:** 11/08/2023

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve complaints regarding the following programs and activities:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52617)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

Discrimination includes, but is not limited to, the Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the district, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)
11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)

13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
21. State preschool programs (Education Code 8207-8225)
22. State preschool health and safety issues in license-exempt programs (Education Code 8212)
23. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
24. Any other state or federal educational program the SPI or designee deems appropriate

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

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services

Protective Services Division or the appropriate law enforcement agency. (5 CCR 4611)

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
 3. Any complaint alleging that a student, while in an education program or activity in which the district exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.
 4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in Administrative Regulation 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Civil Rights Department.
 5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the district is subject, or a physical safety concern that interferes with the district's provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
 6. Any complaint alleging noncompliance of the district's food service program with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
 7. Any allegation of discrimination based on race, color, national origin, sex, age, or disability in the district's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
 8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)
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Policy 0460: Local Control And Accountability Plan

Status: ADOPTED

Original Adopted Date: 11/14/2019 | **Last Revised Date:** 01/11/2024 | **Last Reviewed Date:** 01/11/2024

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A comprehensive, data-driven planning process shall be used to identify annual goals and specific actions which are aligned with the district budget and facilitate continuous improvement of district practices.

The Board shall adopt a districtwide local control and accountability plan (LCAP) and an annual update to the LCAP, based on the most up-to-date template adopted by the State Board of Education (SBE), that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP and the annual update shall be adopted or updated, as required, on or before July 1 of each year. (Education Code 52060, 52064; 5 CCR 15494-15497)

The LCAP and the annual update shall focus on improving outcomes for all students, particularly those who are "unduplicated students" or are part of any numerically significant student subgroup that is at risk of or is underperforming. (Education Code 52060, 52064)

An "unduplicated student" is a student who is eligible for free or reduced-price meals, who is an English learner, or who is a foster youth, as defined in Education Code 42238.01. (Education Code 42238.02)

Numerically significant student subgroups include ethnic subgroups, socioeconomically disadvantaged students, English learners, long-term English learners, students with disabilities, foster youth, and students experiencing homelessness, when there are at least 30 students in the subgroup or at least 15 foster youth, students experiencing homelessness, or long-term English learners. (Education Code 52052)

Beginning July 1, 2025, if the district is identified by the California Department of Education (CDE) as needing an improvement plan pursuant to 34 CFR 300.600-300.647, the Board shall adopt, and update on an annual basis, an Individual with Disabilities Education Act (IDEA) Addendum, based on the template adopted by SBE. However, if the district adopts an improvement plan after being identified, but before July 1, 2025, the IDEA Addendum shall be developed upon expiration of the adopted improvement plan, but no later than July 1, 2028, whichever occurs first. The IDEA addendum shall be developed, reviewed, and approved in conjunction with and in the same manner as the LCAP and the annual update, and shall be submitted to CDE within 15 days of adoption by the Board. (Education Code 52064.3)

The Superintendent or designee shall review the school plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

The LCAP shall also be aligned with other district and school plans, to the extent possible, in order to minimize duplication of effort and provide clear direction for program implementation.

As part of the adoption of the LCAP and the annual update, the Board shall separately adopt a local control funding formula budget overview for parents/guardians, based on the template developed by SBE, which includes specified information relating to the district's budget. The budget overview shall be adopted, reviewed, and approved in the same manner as the LCAP and the annual update. (Education Code 52064.1)

Advisory Committees

The Board shall establish a parent advisory committee, which shall be composed of a majority of parents/guardians and shall include parents/guardians of unduplicated students and parents/guardians of students with disabilities. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English

learners, the Board shall establish an English learner parent advisory committee, which shall be composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

Beginning July 1, 2024, unless a student advisory committee is established to provide advice to the Board and Superintendent, two students shall be included as full members of the parent advisory committee. The students shall serve for a renewable term of one full school year. (Education Code 52063)

Student members of the parent advisory committee or the student advisory committee shall represent the diversity of the district's students, including geographical, socioeconomic, cultural, physical, and educational diversity, and particular effort shall be made to reach out to at-risk or disadvantaged students to serve as members of such committees. (Education Code 52063)

The Superintendent or designee shall present the LCAP and the annual update to each of these committee(s) before they are submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s).

LCAP Development and Consultation

The Superintendent or designee shall gather data and information needed for effective and meaningful development of the LCAP and present it to the Board and community. Such data and information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP and the annual update. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums and committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

As part of the parent/guardian and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)

The Superintendent or designee shall consult with the administrator(s) of the special education local plan area of which the district is a member to ensure that specific actions for students with disabilities are included in the LCAP and are consistent with strategies included in the annual assurances support plan for the education of students with disabilities. (Education Code 52062)

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP and the annual update shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP and the annual update. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and Board Policy 3100 - Budget. (Education Code 52062)

Adoption and Submission

The Board shall adopt the LCAP and the annual update prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing. (Education Code 52062)

Not later than five days after adoption of the LCAP, the annual update, the district budget, and the budget overview for parents/guardians, the Board shall file the LCAP, the annual update, the budget, and the budget overview with the County Superintendent of Schools. (Education Code 42127, 52064.1, 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP and the annual update, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)

If the County Superintendent does not approve the district's LCAP and the annual update, the Board shall accept technical assistance from the County Superintendent focused on revising the LCAP and the annual update so that they can be approved. (Education Code 52071)

Revisions

The Board may adopt revisions to the LCAP and the annual update at any time during the period in which it is in effect, provided the Board follows the process to adopt the LCAP and the annual update pursuant to Education Code 52062 and the revisions are adopted in a public meeting.

Monitoring Progress and Complaints

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by the Superintendent and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance reported on the California School Dashboard. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

Technical Assistance

If the district's LCAP and the annual update are not approved, the district shall accept technical assistance or other intervention that may be required pursuant to Education Code 52071.

Policy 3260: Fees And Charges

Status: ADOPTED

Original Adopted Date: 04/11/2019 | **Last Revised Date:** 01/12/2023 | **Last Reviewed Date:** 01/12/2023

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for student participation in the district's educational program are made available to students at no cost.

No student shall be required to pay a fee, deposit, or other charge for participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of students' families and their ability to pay.

The prohibition against student fees shall not prevent the district from soliciting for donations, conducting fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. The district also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

Complaints

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

Collection of Debt

The Superintendent or designee shall, in accordance with law, recover any debt owed to the district as a result of unpaid permissible student fees approved by the Board. However, the district shall not bill a current or former student for accumulated debt, nor take negative action against a student or former student because of such debt, including, but not limited to, any of the following: (Education Code 49014)

1. Denying full credit for any class assignment

2. Denying full and equal participation in any classroom activity
 3. Denying access to the library or other on-campus educational facilities
 4. Denying or withholding grades or transcripts
 5. Denying or withholding a diploma
 6. Limiting or barring participation in an extracurricular activity, club, or sport
 7. Limiting or excluding the student from participation in an educational activity, field trip, or school ceremony
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Policy 5141.21: Administering Medication And Monitoring Health Conditions

Status: ADOPTED

Original Adopted Date: 01/09/2020 | **Last Revised Date:** 04/23/2024 | **Last Reviewed Date:** 04/23/2024

The Governing Board believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

In accordance with law, the Superintendent or designee may make naloxone hydrochloride or another opioid antagonist and stock albuterol inhalers available at each school for providing emergency medical aid to any person suffering or reasonably believed to be suffering from opioid overdose or respiratory distress. (Education Code 49414.3, 49414.7)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

Policy 4020: Drug And Alcohol-Free Workplace

Status: ADOPTED

Original Adopted Date: 08/10/1989 | **Last Revised Date:** 03/10/2011

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

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

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

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

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

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

Drug-Free Awareness Program

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

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

Policy 5141: Health Care And Emergencies

Status: ADOPTED

Original Adopted Date: 05/12/2016

The Governing Board recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5142 - Safety)

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when accidents and injuries to students occur and that parents/guardians are notified as appropriate.

(cf. 3530 - Risk Management/Insurance)

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

"Do Not Resuscitate" Orders

The Board believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders except under the specific written direction of the Superintendent or designee. The Superintendent or designee may only direct a staff member to follow a "do not resuscitate" order if he/she has received a written parent/guardian authorization, with an authorized health care provider statement, and an order of an appropriate court.

The Superintendent or designee shall ensure that parents/guardians who have submitted a "do not resuscitate" order are informed of this policy.

Automated External Defibrillators

The Board authorizes the Superintendent or designee to place automated external defibrillators (AEDs) at designated school sites for use by school employees in an emergency.

The Superintendent or designee shall develop guidelines for employees regarding these devices and shall ensure that employees receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. The guidelines shall also specify the placement, security, and maintenance of the AED.

The authorization of AEDs in district schools shall not be deemed to create a guarantee that an AED will be present or will be used in the case of an emergency, or that a trained employee will be present and/or able to use an AED in an emergency, or that the AED will operate properly.

Policy 3513.3: Tobacco-Free Schools

Status: ADOPTED

Original Adopted Date: 10/13/2016

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Policy 4119.43: Universal Precautions

Status: ADOPTED

Original Adopted Date: 08/13/2020

In order to protect all employees from contact with potentially infectious blood or other body fluids, the Governing Board requires that universal precautions be observed throughout the district. Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether bloodborne pathogens are known to be present.

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.24 - Specialized Health Care Services)

(cf. 5141.6 - School Health Services)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall distribute to employees information provided by the California Department of Education (CDE) regarding acquired immune deficiency syndrome (AIDS), AIDS-related conditions, and hepatitis B. This information shall include, but not be limited to, any appropriate methods employees may use to prevent exposure to AIDS and hepatitis B, including information concerning the availability of a vaccine to prevent contraction of hepatitis B, and that the cost of this vaccination may be covered by the health plan of the employees. Information shall be distributed annually, or more frequently if there is new information supplied by CDE. (Health and Safety Code 120875, 120880)

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

Information regarding universal precautions may be included in employee handbooks.

Employees shall immediately report any exposure incident or first aid incident in accordance with the district's exposure control plan for bloodborne pathogens or other safety procedures.

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

Policy 0410: Nondiscrimination In District Programs And Activities

Status: ADOPTED

Original Adopted Date: 08/09/2018 | **Last Revised Date:** 11/08/2023 | **Last Reviewed Date:** 11/08/2023

This policy shall apply to all acts related to a school activity or school attendance and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the district.

The Board is committed to providing equal opportunity for all individuals in district programs and activities. District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, reproductive health decisionmaking, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, veteran or military status, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

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

District programs and activities shall be free of any discriminatory use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources.

The use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library shall not be rejected or prohibited by the Board or district on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. (Education Code 243)

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

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

All allegations of unlawful discrimination in district programs and activities shall be brought, investigated, and resolved in accordance with Board Policy 1312.3 - Uniform Complaint Procedures.

Pursuant to 34 CFR 104.8 and 34 CFR 106.8, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's website and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by

the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee. (Education Code 234.7)

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language. (Education Code 48985; 20 USC 6312)

Access for Individuals with Disabilities

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

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

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

Superintendent

6862 Mt. Aukum Road

530-620-3556

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 04/11/2019 | **Last Revised Date:** 04/13/2023 | **Last Reviewed Date:** 04/13/2023

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

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran or military status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Employers are also prohibited from discrimination against employees or job applicants on the basis of reproductive health decisionmaking, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that the district is required to do so in order to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of adverse employment actions such as termination or denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities or that has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Requiring medical or psychological examination of a job applicant or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee who has requested such

accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

- e. Requiring an applicant or employee to disclose information relating to the employee's reproductive health decisionmaking

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign a release of the employee's claim or right to file a claim against the district or a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

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

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

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Regulation 4031: ^Complaints Concerning Discrimination In Employment

Status: ADOPTED

Original Adopted Date: 07/13/1989 | **Last Revised Date:** 01/13/2011 | **Last Reviewed Date:** 01/13/2011

Complaint Procedure

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

1. **Notice and Receipt of Complaint:** Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall file a written complaint with the Coordinator for Nondiscrimination in Employment, or the Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with a supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator for Nondiscrimination in Employment, or the Superintendent.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator for Nondiscrimination in Employment, or the Superintendent.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date of the incident, and any other pertinent information which may assist in investigating the complaint.

2. **Investigation Process:** The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five school days of receiving the written complaint. The Coordinator shall ensure that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

The Coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegations. The Coordinator shall ensure that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Coordinator shall interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, the Coordinator may discuss the complaint with the Superintendent or designee.

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

3. **Written Report on Findings and Corrective Action:** No more than 30 days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report. If an extension is needed, the Coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as possible. The hearing shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960).
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5).
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of the complaint with DFEH (42 USC 2000e-5).

Regulation 4161.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 06/14/2018 | **Last Revised Date:** 08/10/2023 | **Last Reviewed Date:** 08/10/2023

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of

remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of

leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both

of the following:

- a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
 5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of

call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
 - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
 - f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leaveAny time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)
5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify

that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Regulation 4261.8: Family Care And Medical Leave

Status: ADOPTED

Original Adopted Date: 06/14/2018 | **Last Revised Date:** 08/10/2023 | **Last Reviewed Date:** 08/10/2023

The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of

remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative

position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:

- a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or

any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
 - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to

PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
 - f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leaveAny time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)
5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)
6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Regulation 4361.8: Family Care And Medical Leave

Status: ADOPTED

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The district shall not deny any eligible employee the right to family care or medical leave pursuant to the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), or to Pregnancy Disability Leave (PDL), when an employee is disabled by a pregnancy, childbirth, or related medical condition. The district shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the district discharge, discriminate against, or retaliate against an employee for taking such leave, opposing or challenging an unlawful employment practice in relation to any of these laws, or being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child means a biological, adopted, or foster child; a stepchild; a legal ward; or a person to whom the employee stands in loco parentis. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Designated person, for CFRA purposes, means any individual related by blood, or whose association with the employee is the equivalent of a family relationship. (Government Code 12945.2)

Eligible employee, for FMLA and CFRA purposes, means an employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling, or designated person. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a parent-in-law; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. However, for FMLA purposes, parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or an eligible family member of the employee that involves either inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity.

A person is considered an inpatient when formally admitted to a health care facility with the expectation of

remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:
 - a. A period of incapacity of more than three consecutive full days
 - b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
 - c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
 - d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
 - e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage. For purposes of CFRA leave, spouse also includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility/Purposes of Leave

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. The care of an eligible family member with a serious health condition
3. The employee's own serious health condition that makes the employee unable to perform the job functions of the position
4. A qualifying exigency arising out of the fact that the employee's spouse, child, parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. The care of a covered servicemember with a serious injury or illness when the employee is a spouse, child, parent, or next of kin of the covered servicemember

In addition, the district shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

The 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

The 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the district.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The district and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule
3. The district agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, the employee must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

An eligible employee may request CFRA leave to care for a designated person with a serious health condition. The employee may identify the designated person at the time of the employee's request for the leave. The district may limit an employee to using CFRA leave to care for one designated person per 12-month period. (Government Code 12945.2; Labor Code 245.5)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for the serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition

3. If the employee is requesting leave to care for an eligible family member with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the eligible family member during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the eligible family member
4. If the employee is requesting leave because of the employee's own serious health condition, a statement that due to the serious health condition, the employee is unable to work at all or is unable to perform one or more essential job functions of the position
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, the Superintendent or designee may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

The Superintendent or designee shall request that an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days' notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for the employee's own serious health condition, the employee shall present certification from the health care provider of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of the position.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

The district may refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before the employee took the leave. The employee shall reimburse the district for premiums paid during the leave if the employee fails to return to district employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country or, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is inclusive of the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or child for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents-in-law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, or child, unless designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating
2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:
 - a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating
 - b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition
 - c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran
 - d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the Fair Employment and Housing Act/PDL and FMLA/CFRA and employees' rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)
2. The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11049, 11050, 11091)
3. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)
4. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)
 - a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying
 - b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification
 - c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave
 - d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis
 - e. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave
 - f. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave. Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)
5. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, the Superintendent or designee shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)
6. If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification

that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of FMLA or CFRA leave or PDL in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Policy 3514: Environmental Safety

Status: ADOPTED

Original Adopted Date: 08/09/2018

The Governing Board recognizes its obligation to provide a safe and healthy environment at school facilities for students, staff, and community members. The Superintendent or designee shall regularly assess school facilities to identify environmental health risks and shall develop strategies to prevent and/or mitigate environmental hazards. He/she shall consider the proven effectiveness of various options, anticipated short-term and long-term costs and/or savings to the district, and the potential impact on staff and students, including the impact on student achievement and attendance.

(cf. 0200 - Goals for the School District)

(cf. 0400 - Comprehensive Plans)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

(cf. 3517 - Facilities Inspection)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5142 - Safety)

(cf. 7111 - Evaluating Existing Buildings)

Such strategies shall focus on maximizing healthy indoor air quality; monitoring the quality of outdoor air and adjusting outdoor activities as necessary; reducing exposure to vehicle emissions; minimizing exposure to lead and mercury; reducing the risk of unsafe drinking water; inspecting and properly abating asbestos; appropriately storing, using, and disposing of potentially hazardous substances; using effective least toxic pest management practices; reducing the risk of foodborne illness; and addressing any other environmental hazards identified during facilities inspections.

(cf. 3510 - Green School Operations)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3514.1 - Hazardous Substances)

(cf. 3514.2 - Integrated Pest Management)

(cf. 3516.5 - Emergency Schedules)

(cf. 3540 - Transportation)

(cf. 3541.1 - Transportation for School-Related Trips)

(cf. 3542 - School Bus Drivers)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 5141.23 - Asthma Management)

(cf. 5141.7 - Sun Safety)

(cf. 5142.2 - Safe Routes to School Program)

(cf. 6142.7 - Physical Education and Activity)

(cf. 6163.2 - Animals at School)

(cf. 7150 - Site Selection and Development)

In developing strategies to promote healthy school environments, the Superintendent or designee may consult and collaborate with local environmental protection agencies, health agencies, water boards, and other community organizations.

(cf. 1020 - Youth Services)

The Superintendent or designee shall provide the district's maintenance and facilities staff, bus drivers, food services staff, teachers, and other staff as appropriate with professional development regarding their responsibilities in implementing strategies to improve and maintain environmentally safe and healthy schools.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall notify the Board, staff, parents/guardians, students, and/or governmental agencies, as appropriate, if an environmental hazard is discovered at a school site. The notification shall provide information about the district's actions to remedy the hazard and may recommend health screening of staff and students.

(cf. 5141.6 - School Health Services)

Policy 5141.4: Child Abuse Prevention And Reporting

Status: ADOPTED

Original Adopted Date: 04/09/2015

The Governing Board is committed to supporting the safety and well-being of district students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 6164.2 - Guidance/Counseling Services)

Child Abuse Prevention

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

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

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

(cf. 5145.7 - Sexual Harassment)

Procedures for reporting child abuse shall be included in the district and/or school comprehensive safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

Regulation 4119.42: Exposure Control Plan For Bloodborne Pathogens

Status: ADOPTED

Original Adopted Date: 08/13/2020 | **Last Reviewed Date:** 08/13/2020

Definitions

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Exposure incident means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties. (8 CCR 5193; 29 CFR 1910.1030)

Parenteral contact means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions. (8 CCR 5193; 29 CFR 1910.1030)

A sharp is any object that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident. (8 CCR 5193)

A sharps injury is any injury caused by a sharp, including, but not limited to, cuts, abrasions, or needlesticks. (8 CCR 5193)

Work practice controls are controls that reduce the likelihood of exposure by defining the manner in which a task is performed. (8 CCR 5193; 29 CFR 1910.1030)

Engineering controls are controls, such as sharps disposal containers, needleless systems, and sharps with engineered sharps injury protection, that isolate or remove the bloodborne pathogens hazard from the workplace. (8 CCR 5193; 29 CFR 1910.1030)

Engineered sharps injury protection is a physical attribute, such as a barrier, blunting, encapsulation, withdrawal, or other effective mechanism, built into a needle device or into a non-needle sharp which effectively reduces the risk of an exposure incident. (8 CCR 5193; 29 CFR 1910.1030)

Personal protective equipment is specialized clothing or equipment worn or used by an employee for protection against a hazard, such as gloves, gowns, laboratory coats, face shields or masks. (8 CCR 5193)

Exposure Control Plan

The district's written exposure control plan for bloodborne pathogens shall contain at least the following components: (8 CCR 5193; 29 CFR 1910.1030)

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials, which shall be made without regard to employees' use of personal protective equipment and shall include a list of:
 - a. All job classifications in which all employees have occupational exposure
 - b. Job classifications in which some employees have occupational exposure
 - c. All tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and which are performed by employees listed in item #1b above
2. The schedule and method of implementing each of the following in accordance with 8 CCR 5193 and this administrative regulation:
 - a. Methods of compliance required by 8 CCR 5193(d) and 29 CFR 1910.1030, including universal precautions, general and specific engineering and work practice controls, and personal protective equipment
 - b. Hepatitis B vaccination
 - c. Bloodborne pathogen post-exposure evaluation and follow-up

- d. Communication of hazards to employees through information and training
 - e. Recordkeeping, including medical records, training records, and a log of sharps injuries
3. The district's procedure for documenting the route(s) of exposure and the circumstances under which exposure incidents occurred
 4. An effective procedure for gathering information about each exposure incident involving a sharp
 5. An effective procedure for periodically determining the frequency of use of the types and brands of sharps involved in exposure incidents
 6. An effective procedure for identifying currently available engineering controls and selecting such controls, as appropriate, for the procedures performed by employees in their work areas or departments
 7. An effective procedure for documenting instances when a licensed healthcare professional directly involved in an employee's care determines that the use of an engineering control would jeopardize the employee's safety or the success of a medical, dental, or nursing procedure involving the employee
 8. An effective procedure for obtaining the active involvement of employees in reviewing and updating the exposure control plan with respect to the procedures performed by employees in their respective work areas or departments

The exposure control plan shall be reviewed and updated at least annually and whenever necessary to: (8 CCR 5193; 29 CFR 1910.1030)

1. Reflect new or modified tasks and procedures affecting occupational exposure
2. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens and, to the extent that sharps are used in the district, document consideration and implementation of appropriate commercially available needleless systems and needle devices and sharps with engineered sharps injury protection
3. Include new or revised employee positions with occupational exposure
4. Review and evaluate the exposure incidents which occurred since the previous update
5. Review and respond to information indicating that the exposure control plan is deficient in any area

The district's exposure control plan shall be accessible to employees upon request. (8 CCR 3204(e), 5193; 29 CFR 1910.1030)

Preventive Measures

The Superintendent or designee shall use engineering controls and work practice controls, as defined above, to eliminate or minimize employee exposure to bloodborne pathogens. Engineering controls and work practice controls shall be evaluated on a regular schedule and, as applicable, maintained, replaced, or updated to ensure their effectiveness. (8 CCR 5193; 29 CFR 1910.1030)

Whenever potential occupational exposure continues to exist after institution of engineering and work practice controls, the district shall provide, at no cost to the employee, appropriate personal protective equipment. (8 CCR 5193; 29 CFR 1910.1030)

Employees shall observe universal precautions to prevent contact with blood or other potentially infectious materials, including, but not limited to, handwashing, proper use of personal protective equipment, and proper disposal or washing of contaminated garments or objects. (8 CCR 5193; 29 CFR 1910.1030)

Any use of needleless systems, needle devices, or non-needle sharps shall adhere to the specific requirements of 8 CCR 5193(d) and 29 CFR 1910.1030.

Pre-Exposure Hepatitis B Vaccination

The hepatitis B vaccination and vaccination series shall be made available at no cost to all employees who have occupational exposure. The hepatitis B vaccination shall be made available after an employee with occupational exposure has received the required training and within 10 working days of initial assignment, unless the employee

has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or vaccination is contraindicated for medical reasons. (8 CCR 5193; 29 CFR 1910.1030)

Employees who decline to accept the vaccination shall sign the hepatitis B declination statement. (8 CCR 5193; 29 CFR 1910.1030)

The Superintendent or designee may exempt from the pre-exposure hepatitis B vaccine designated first aid providers whose primary job assignment is not the rendering of first aid, provided that the district implements the procedures in its exposure control plan for providing hepatitis B vaccine to all unvaccinated first aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials and provides appropriate follow-up for those who experience an exposure incident. (8 CCR 5193)

Training

The Superintendent or designee shall ensure that all employees with occupational exposure participate in a training program at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter. The training shall be offered during working hours and at no cost to the employee. (8 CCR 5193; 29 CFR 1910.1030)

The training shall address, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. The exposure control standard contained in 8 CCR 5193 and 29 CFR 1910.1030
2. The epidemiology and symptoms of bloodborne diseases
3. Modes of transmission of bloodborne pathogens
4. The district's exposure control plan and the means by which employees may obtain a copy of the written plan
5. Appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials
6. The use and limitations of methods to prevent or reduce exposure, including appropriate engineering controls, administrative or work practice controls, and personal protective equipment
7. The types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment
8. The basis for selecting personal protective equipment
9. The hepatitis B vaccine, including its efficacy, safety, and method of administration; the benefits of being vaccinated; and that the vaccine will be offered free of charge
10. Appropriate actions to take and persons to contact in an emergency or exposure incident involving blood or other potentially infectious materials
11. The post-exposure evaluation and follow-up that the district is required to provide for the employee following an exposure incident

Additional training shall be provided to affected employees whenever a change, such as the introduction or modification of tasks or procedures or the introduction of new engineering, administrative, or work practice controls, affects the employee's exposure. The additional training may be limited to addressing the new exposures created. (8 CCR 5193; 29 CFR 1910.1030)

Designated first aid providers shall receive training that includes the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. (8 CCR 5193)

Reporting Incidents

All exposure incidents shall be reported as soon as possible to the Superintendent or designee.

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

Sharps Injury Log

The Superintendent or designee shall establish and maintain a log recording each exposure incident involving a sharp. (8 CCR 5193; 29 CFR 1910.1030)

The exposure incident shall be recorded within 14 working days of the date the incident is reported to the district. (8 CCR 5193)

The information recorded shall include the following, if known or reasonably available: (8 CCR 5193; 29 CFR 1910.1030)

1. Date and time of the exposure incident
2. Type and brand of sharp involved in the exposure incident
3. A description of the exposure incident, including:
 - a. Job classification of the exposed employee
 - b. Department or work area where the exposure incident occurred
 - c. The procedure that the exposed employee was performing at the time of the incident
 - d. How the incident occurred
 - e. The body part involved in the incident
 - f. If the sharp had engineered sharps injury protection, whether the protective mechanism was activated and whether the injury occurred before, during, or after the protective mechanism was activated
 - g. If the sharp had no engineered sharps injury protection, the injured employee's opinion as to whether and how such a mechanism could have prevented the injury
 - h. The employee's opinion about whether any other engineering, administrative, or work practice could have prevented the injury

Post-Exposure Evaluation and Follow-up

Following a report of an exposure incident, the Superintendent or designee shall immediately make available to the exposed employee, at no cost, a confidential medical evaluation, post-exposure evaluation, and follow-up. The Superintendent or designee shall, at a minimum: (8 CCR 5193; 29 CFR 1910.1030)

1. Document the route(s) of exposure and the circumstances under which the exposure incident occurred
2. Identify and document the source individual, unless that identification is not feasible or is prohibited by law
3. With the consent of the exposed employee, provide for the collection and testing of the employee's blood for hepatitis B, hepatitis C, and HIV serological status
4. Provide for post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service
5. Provide for counseling and evaluation of reported illnesses

The Superintendent or designee shall provide the health care professional responsible for the employee's hepatitis B vaccination with a copy of 8 CCR 5193 and 29 CFR 1910.1030; a description of the employee's duties as they relate to the exposure incident; documentation of the route(s) of exposure and circumstances under which exposure occurred; results of the source individual's blood testing, if available; and all medical records maintained by the district relevant to the appropriate treatment of the employee, including vaccination status. (8 CCR 5193; 29 CFR 1910.1030)

The district shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. (8 CCR 5193)

Records

Upon an employee's initial employment and at least annually thereafter, the Superintendent or designee shall inform employees with occupational exposure of the existence, location, and availability of related records; the person responsible for maintaining and providing access to records; and the employee's right of access to these records. (8 CCR 3204)

The district shall maintain a medical record of each employee with occupational exposure, including the employee's hepatitis B vaccination status, the results of any post-exposure medical examinations and follow-up procedures, a copy of the information provided to the health care professional, and a copy of the health care professional's written opinion. The medical record shall be kept confidential and not disclosed or reported without the employee's written consent to any person within or outside the workplace except as required by law. (8 CCR 5193; 29 CFR 1910.1030)

Upon request by an employee, or a designated representative with the employee's written consent, the Superintendent or designee shall provide access to a record in a reasonable time, place, and manner, no later than 15 days after the request is made. (8 CCR 3204)

Records shall be maintained as follows: (8 CCR 3204, 5193; 29 CFR 1910.1030)

1. The medical records of each employee with occupational exposure shall be maintained for the duration of employment plus 30 years.
 2. Training records shall be maintained for three years from the date of training.
 3. The sharps injury log shall be maintained five years from the date the exposure incident occurred.
 4. Exposure records shall be maintained for at least 30 years.
 5. Each analysis using medical or exposure records shall be maintained for at least 30 years.
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Regulation 4157.1: Work-Related Injuries

Status: ADOPTED

Original Adopted Date: 12/08/2016 | **Last Revised Date:** 04/23/2024 | **Last Reviewed Date:** 04/23/2024

In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that reduces costs and facilitates employee recovery.

The Superintendent or designee shall notify every new employee, at the time of hire or by the end of the first pay period, of the employee's right to receive workers' compensation benefits if injured at work. (Labor Code 3551; 8 CCR 15596)

In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, the employee shall report the work-related injury or illness to the Superintendent or designee as soon as practicable. The employee and appropriate district staff shall also promptly document the date and time of any incident, a description of the incident, and any persons present.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to the employee's dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the district's insurance carrier or DIR, as applicable, within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death shall be filed within five days after being notified of or learning about the death. (Labor Code 6409.1)

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report to the Division of Occupational Safety and Health (Cal/OSHA) by telephone or through an online mechanism made available by Cal/OSHA. (Labor Code 6409.1)

For the purpose of this report, serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement. (Labor Code 6302)

Policy 4190: ^Computer, Telephone And Network Acceptable Use

Status: ADOPTED

Original Adopted Date: 06/10/2010 | **Last Reviewed Date:** 06/10/2010

Computer and Network Environment

The district has created extensive networks with information, telephone and computing resources for employee and student use. In addition, the district provides a large and continuously growing number of computer workstations, printers, peripherals, software, training and supplies to all sites. These items are provided to allow employees to perform tasks effectively in meeting the goals and needs of the district.

By nature, design, and function, the district's computer network and resources must provide a relatively "open" environment. While automatic and procedural security controls are in place to prevent or reduce unauthorized access to these resources, the primary responsibility for maintaining the security of this information and its resources lies with the employee.

Improper use of any of these resources can cause problems related to the needs of some or all employees and students in the district. Violation of specific local, state, and federal laws referenced later in this document may call for prosecution under the law including fines and imprisonment. The district may take disciplinary action against employees for misuse of computer, network, and information resources.

Privacy of District Records - Student, Staff, and Business Information

Both student and employee records are protected by various state and federal laws -

State Statutes:

Education Code 67100

Information Practices Act of 1977 (Civil Code 1798)

Public Records Act (Gov. Code 6250

Penal Codes 502

Federal Statutes:

Federal Family Educational Rights and Privacy Act of 1974

Federal Privacy Act of 1974

Electronic Communications Privacy Act of 1986

It is probable that during employment with the district, employees will have access to either student or employee and business information that is confidential. It is the responsibility of employees to safeguard confidential information from unauthorized persons. Employees shall not seek to use personal or confidential information for their own use or personal gain. Employees must take all reasonable precautions to ensure privacy is maintained under the law while handling information in any form, including but not limited to voice, electronic (disk file, diskette, CD ROM, magnetic tape, email, etc.), paper, photograph, and microfiche information. Included under this precaution is the disposal of any privacy related materials.

Ownership

It must be understood that the district's business information, telephone, network, computer and software resources, peripherals and supplies are district property, provided to meet district needs. They do not belong to individuals, but are only "loaned" for the purposes required for their position while you are employed by the district.

Use of Telephones, Cell Phones, and Voicemail

Telephones and/or cell phones are provided to conduct the business of the district. In many cases, voice mail is also provided. These services are intended to provide a means of communication for employees to contact parents and students, agencies, vendors, other institutions and government officials. When using these services, employees should always reflect a businesslike and professional demeanor. Private use of the phones should be kept to a minimum.

Use of Personally Owned Software or Equipment

The district attempts to ensure that all hardware and software meet specific standards which will operate without causing disruption of the district's computer and network resources. Therefore, the use of personally owned software or software that can be downloaded from the Internet as well as personally-owned computer hardware is not permitted except where authorized by the Superintendent or his designee for IT services.

Software Copyright Law

Violations of copyright law have the potential of exposing the district substantial risk of liability for damages. Employees are prohibited from installing any software without having proof of licensing. Employees may not install software licensed for one workstation on multiple machines. Employees should be aware that if, for example, a school purchases a new workstation, the program must also purchase new software licenses for the software that will be installed on it. If the computer being replaced will be retired from use, the software may be removed from it and transferred to a new workstation.

Use of the Internet

The Internet provides an extremely valuable resource for learning and communicating with people throughout the world. It can be a marvelous tool to enhance student and staff education and productivity. Unfortunately, the Internet also contains a large amount of information that is inappropriate for use in an educational institution.

Ownership

While it is hoped that employees will enjoy the use of Internet resources, it must be emphasized that these resources are provided at district expense to enhance job function and maximize job effectiveness. Employees are not to let personal use of the Internet encroach on or displace time spent performing their work duties. Personal use of the Internet should be restricted to breaks or lunch periods, or before or after work hours. Inasmuch as every transaction completed on the Internet represents to the world our district and everything it stands for, it is imperative that employees not use the Internet in such a way as to bring civil or criminal liability or public reproach upon the district.

Materials obtained from the Internet may be copyrighted. However, with proper citation, limited educational use may be permitted under the Principle of Fair use as contained in U.S. copyright law. These materials may not be redistributed on the Internet or in any other manner without written consent of the copyright owner or as prohibited by law. Materials are protected by copyright whether they bear copyright information or not.

Use of Computer Resources

The computing resources of the district are used by dozens of students and employees. In order to ensure that these resources are available and working properly, personal use of these resources must not negatively impact others.

For example, no one may attempt to access computer systems or their resources unless proper authorization has been granted. No one may attempt to maliciously alter, erase, damage, destroy or make otherwise unusable or inaccessible any data, software, computer, or network system. Attempts or actions of this nature may constitute a felony and may result in any combination of disciplinary action and/or prosecution and fines including litigation costs and payment of damages under applicable local, state, and federal statutes.

Your Computer Account

In order to utilize the district's computer and network resources, employees will be assigned "user IDs" and passwords. Based on an employee's position and his or her supervisor's authorization, the employee may be provided with access levels which allow him or her to view, create, alter, delete, print, and transmit information.

Employees are responsible for maintaining the security of their personal account and may not release it for use by any other individual. Employees must accord a user account the same significance as a hand-written signature. Failure to do so by releasing this information to another individual may be considered false representation and result in disciplinary action.

Ownership

This means that it is extremely important that employees use a password that cannot be guessed by others through knowledge about the employee. For example, employees should never use personal names such as children or pets or names that begin or end with numbers. Never use Social Security Numbers, bank PINs or words which can be found in any dictionary, names spelled backwards, or adjacent keys on a computer keyboard (i.e., QWERTY). All of

the above provide an easy way for a hacker to break into a computer system and, using employee rights and privileges, cause damage and destruction. Employees must also never write down user IDs or passwords unless stored in the employee's personal possession or other location away from the place of work. Even then, the ID or password should be written in such a way that no clue is given as to the purpose for its use. Employees should contact the IT coordinator if they suspect someone else may have accessed their account. It is a simple matter to change a password in a few seconds, but may take days to reconstruct damaged records or computer systems if someone breaks in with employee account rights! Where an employee has the ability to change his or her own password, the employee should make a habit of periodically changing passwords for these accounts.

Employees should never leave their workstation unattended while signed on to any account; doing so allows anyone to sit at an employee's workstation and, using the employee's rights and privileges, perform destructive acts. This has been the most common method used in the past for students to make changes to their own or others records.

Under certain circumstances, user IDs and passwords may be shared by a group of employees where doing so makes information access convenient with a minimum of administrative overhead. Examples include district-subscribed online services that teachers may wish to access from outside of the district network. Group IDs and passwords should be held in confidence and never shared with students. If an employee suspects that the security of such information has been compromised, the employee should notify the network administrator at once.

Only employees may have direct publishing (write privilege) access to district web, mail, and list servers. Those who assume responsibility for posting student work must never delegate this responsibility to students. Passwords may not be stored where students may have access to them. Passwords should be periodically changed.

Computer Viruses

The computer industry faces a continuing onslaught of malicious viruses, worms, and other damaging programs that attack computer and network resources. The district attempts to

Ownership maintain anti-virus software in order to minimize impact of these viruses, but it is your responsibility to take precautions to protect your computer and all others throughout the district.

Employees should be very aware of opening email attachments. When in doubt, they should NOT be opened.

Likewise, employees should not download any software from the Internet unless directed to and authorized by the Superintendent or IT designee. It is not unknown for even a very respectable company to unknowingly release products which include hidden or unknown viruses. Employees should not share any downloaded software with others until they have verified that it does not harbor viruses.

Electronic Mail

The district encourages the use of electronic mail (email) to enhance communication and business activities. Users of this service need to be aware however that this technology is still developing, and policies like this one are necessary to ensure appropriate use and to prevent or limit disruptions to work activity and computer services.

*** Cautions About The Use Of Electronic Mail**

The nature of electronic mail at this date makes it susceptible to misuse. Users need to be aware that sensitive or private information can be easily forwarded to other individuals the originator never intended, both within the district as well as externally throughout the world.

In addition, while email accounts may be password protected, it is up to the individual user to ensure that a password is set and that the password is one that cannot be easily guessed or "hacked".

Because of backup procedures in force with the district's computer services, the fact that you have "deleted" an email message does not necessarily mean that it cannot be retrieved.

Users of the district's email services need to be aware that use of these services is a privilege granted with the expectation that it will be used for business purposes and in a professional and courteous manner similar to other forms of communication. All email sent or received by individuals through district employee accounts is the property of the district and may be requested by your supervisor and examined with just cause.

Ownership

There is no guarantee that email received was in fact sent by the purported sender, since it is a simple matter, although a violation of this policy, to disguise the sender's identity. Furthermore, email that is forwarded may be modified by the forwarder. As with any document, if you receive a message which appears unusual or which you feel may be questionable, check with the purported sender to verify authorship and authenticity. While encryption of email is a potential solution to ensure authenticity, it is an emerging technology that is not in widespread use and rather difficult to use consistently. Technology will mature such that it becomes practical and easy to use in the near future.

While the district does not have the time nor inclination to monitor or read individual email messages, in the event that questionable or inappropriate use is suspected or known, such email may be examined and may be cause for disciplinary action ranging from revoking your email account up to termination. Users should also be aware that in the general course of business, System Administrators and email operators may require observation of messages in order to verify system operation.

*** Email - Personal Use**

Private or personal non-commercial use of the district's email is permitted as long as it is not excessive and does not interfere with the district's normal business practices and the performance of the individual's tasks. Individuals should exercise sound judgment and sensitivity to others when exchanging personal messages in the workplace.

*** Email - State, Federal, And Copyright Laws**

In addition to this policy, use of the district's email services is subject to all applicable Federal and State communications and privacy laws as well. In particular, users need to be aware that attaching programs, sound, video, and images to email messages may violate copyright laws, and data files containing employee and/or student information is subject to all privacy laws.

*** Email Restrictions**

Electronic mail may not be used for:

- Unlawful activities
- Spam mail or mail "bombs"

Ownership

- Use that violates district, state or federal policies
- Any other use which interferes with computing facilities and services of the district

*** Email and Representation**

Users shall not give the impression that they are representing, giving opinions or otherwise making statements on behalf of the district unless they are appropriately authorized, explicitly or implicitly, to do so. Where appropriate and based on context, an appropriate disclaimer would be, "These are my own statements and views and do not represent those of the Pioneer Union School District."

*** Email - False Identity**

Employees shall not employ a false identity in sending email or alter forwarded mail out of the context of its original meaning.

*** Email - Misuse Of Computing Services**

Email services shall not be used for purposes that could reasonably be expected to cause, either directly or indirectly, excessive strain on district computing facilities, or cause interference with others' use of email, email systems, or any computing facilities or services. For example, attaching large files over one (1) megabyte and sending these to multiple users or repeatedly to the same user is a violation of this policy.

*** Email - Security And Confidentiality**

The confidentiality of electronic mail cannot be assured. Users should exercise extreme caution in using email to communicate confidential or sensitive material.

* Email - Virus Dangers

As mentioned, proper precautions must be taken to guard against the infection of computers and files by viruses. Likewise, using email attachments to distribute viruses and/or worms and other damaging software is commonplace today.

* Email - Archiving And Retention

The district maintains an ongoing backup schedule of computer data in order to ensure that these facilities may be restored to use in the event of damage and/or destruction. Because of this practice, email may be stored on backup media for extended lengths of time. Messages which a user assumes to be deleted may be able to be restored if demanded by the appropriate district authority.

Each user should consider whether they want to archive their personal messages to their workstation's hard drive or other disk media on some sort of regular basis, as there is always the possibility that information may be lost due to software or hardware problems. The district has policies in place for the length of time email is retained on-line. This schedule is fourteen (14) days for current email, after which it is placed into the user's "trash" where it may still be recoverable for a short time. Thus, users should be careful not to consider email as a long-term filing system.

While the district maintains a backup of all email, it is not feasible nor our practice to restore lost or damaged Email.

Employee Use of Technology

The Pioneer Union School District Superintendent recognizes that technology can enhance employee performance by improving access to and exchange of information, improve the quality of instruction, and facilitate operations. All employees are expected to learn to use the available electronic resources that will assist them in their jobs. As needed, staff will receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the electronic resources of the district only for purposes related to their employment. Such use is a privilege that may be revoked at any time.

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private. This technology should not be used to transmit confidential information. To ensure proper use of technology, the Superintendent or designee may monitor the technological resources at any time, without notice or consent.

**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT AND STALKING**

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

Regulation 4032: Reasonable Accommodation

Status: ADOPTED

Original Adopted Date: 03/11/1993 | **Last Revised Date:** 01/13/2011

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

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

The district designates the position specified in BP 4030 - Nondiscrimination in Employment as the coordinator of its efforts to comply with the Americans with Disabilities Act (ADA) and to investigate any and all related complaints.

Definitions

Disability, with respect to an individual, is defined as any of the following: (Government Code 12926; 20 CFR 1630.2)

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

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

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

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

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

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

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

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

Request for Reasonable Accommodation

When requesting reasonable accommodation, an employee or his/her representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to a medical condition. The supervisor shall inform the coordinator of the employee's request as soon as practicable.

When requesting reasonable accommodation for the hiring process, a job applicant shall inform the coordinator that he/she will need a reasonable accommodation during the process.

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

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

The district may make a medical or psychological inquiry of a job applicant or require him/her to submit to a medical or psychological examination after he/she has been given a conditional offer of employment but before the commencement of his/her job duties, provided the inquiry or examination is job-related, consistent with business necessity, and required for all incoming employees in the same job classification. (Government Code 12940)

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

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

Granting Reasonable Accommodation

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

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

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

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

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

Reasonable Accommodation Committee

The coordinator may appoint a committee to review or assist in the development of appropriate plans to reasonably accommodate qualified individuals who request modifications or adjustments in their work duties or environment because of known physical or mental disabilities.

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

At the coordinator's discretion, the employee or applicant requesting accommodation may participate in the committee's meetings. If the employee or applicant is excluded from the committee's meetings, the coordinator shall communicate with him/her so that he/she has the opportunity to interact and contribute to planning the reasonable accommodation.

Appeal Process

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

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

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

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

Policy 4144: Complaints

Status: ADOPTED

Original Adopted Date: 03/02/1978 | **Last Revised Date:** 09/11/2008

The Governing Board 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.

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.

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.

Regulation 4144: Complaints

Status: ADOPTED

Original Adopted Date: 02/08/2018

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.

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)

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



ART AND CRAFT MATERIALS THAT
CANNOT BE PURCHASED FOR USE IN
KINDERGARTEN THROUGH 6TH GRADE

Office of Environmental Health Hazard Assessment
California Environmental Protection Agency

July 2019

California Education Code Section 32064 prohibits schools from purchasing art or craft materials containing a toxic substance for use by students in kindergarten and grades 1 to 6 (K-6). The law also requires the Office of Environmental Health Hazard Assessment (OEHHA) to develop a list of products that schools cannot purchase for use by students in grades K-6. This list (attached) is intended to assist schools, school districts, and governing authorities of private schools in complying with the purchasing requirements.

In addition to these listed items, products accompanied by a Proposition 65 warning should not be purchased for use in grades K-6.

Purchasers must ensure that all art and craft materials to be used by students bear a statement of conformity to ASTM D-4236 (Standard Practice for Labeling Art Materials for Chronic Health Hazards), as required by federal law. Items to be used by students in grades K-6 must not bear acute or chronic health hazard labels. Although not required by law, avoiding art materials that bear acute or chronic health hazard labels when purchasing for grades 7-12 is a good precautionary measure. Schools are encouraged to inventory existing art and craft supplies and remove materials bearing health hazard labels for K-6 classrooms. For further information, please see *Art and Craft Materials in Schools: Guidelines for Purchasing and Safe Use*, accompanying this list or available online (see below).

OEHHA compiled the attached list based on product evaluations conducted by other entities¹ according to federal requirements. OEHHA also listed art and craft materials that have been recalled², as well as those brought to OEHHA's attention as bearing health hazard labels. Purchasers should check products for health hazard labels before purchasing, as some products that contain a toxic substance may not be listed here. Questions regarding this list, or information regarding additional products for possible inclusion in future updates, can be directed to art.hazards@oehha.ca.gov, or:

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
Attn: Art Hazards
1001 I Street, PO Box 4010, MS 12-B
Sacramento, CA 95816

A digital version of this list and accompanying guidelines for purchasing and safe use of art and craft materials at schools are available at: <http://oehha.ca.gov/risk-assessment/art-hazards>.

¹ The Art & Creative Materials Institute, Inc.: <https://www.acmiart.org>. List dated June 1, 2019.

² U.S. Consumer Product Safety Commission: www.cpsc.gov/en/Recalls/

Products are listed under categories. The manufacturer, the product name, and the source of the listing are identified, as follows:

- 1—The Art & Creative Materials Institute, Inc., Certified Products List: Products identified as bearing the Cautionary Labeling ("CL"), dated June 1, 2019, <https://www.acmiart.org>
- 2—Product recalls, Consumer Product Safety Commission (as of June 1, 2019).
- 3—Products brought to OEHHA's attention as bearing hazard labels or containing toxic chemicals.

| Adhesives <i>Substances applied to a surface to bind materials together, such as glue, rubber cement, plastic cement, or spray adhesives.</i> | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|---|
| Blockhead Innovations | EcoGloo | 1 |
| C2F, Inc. | ProArt Rubber Cement | 1 |
| DESIGN MASTER Color Tool, Inc. | DESIGN MASTER Glue for Glitter (Aerosol) | 1 |
| DESIGN MASTER Color Tool, Inc. | Tack 2000 Spray Adhesive (Aerosol) | 1 |
| Helmar Australia Pty. Ltd. | 101 Quilt Basting Spray Adhesive | 1 |
| Helmar Australia Pty. Ltd. | Helmar 450 Quick Dry Adhesive | 1 |
| Helmar Australia Pty. Ltd. | Helmar Fabric Glue | 1 |
| Helmar Australia Pty. Ltd. | Helmar Premium Craft Glue | 1 |
| Helmar Australia Pty. Ltd. | Repositionable Spray Adhesive | 1 |
| New Port Sales, Inc. | All Gloo | 1 |
| New Port Sales, Inc. | Craft Glue | 1 |
| Newell Brands | Elmer's Contact Cement | 1 |
| Newell Brands | Elmer's Craftbond Extra-Strength Spray Adhesive | 1 |
| Newell Brands | Elmer's Craftbond Fabric and Leather Adhesive | 1 |
| Newell Brands | Elmer's Craftbond Mounting Spray Adhesive | 1 |
| Newell Brands | Elmer's Craftbond Multi-Purpose Spray Adhesive | 1 |
| Newell Brands | Elmer's Craftbond Polyurethane Glue | 1 |
| Newell Brands | Elmer's Craftbond Rubber Cement | 1 |
| Newell Brands | Elmer's Craftbond Ultra Stix-All Clear | 1 |
| Newell Brands | Elmer's Extra-Strong Spray Adhesive | 3 |
| Newell Brands | Elmer's Glue-All Max | 1 |
| Newell Brands | Elmer's Household Cement | 1 |
| Newell Brands | Elmer's Model & Hobby Cement | 1 |
| Newell Brands | Elmer's Multi-Purpose Spray Adhesive | 3 |
| Newell Brands | Elmer's No Wrinkle Rubber Cement | 1 |
| Newell Brands | Elmer's Pegalo Todo Gel | 1 |
| Newell Brands | Elmer's Plastic Cement | 1 |
| Newell Brands | Elmer's ProBond Polyurethane Glue | 1 |
| Newell Brands | Elmer's Rotted Wood Repair Epoxy Putty | 1 |
| Newell Brands | Elmer's Slide-All Dry Spray Lubricant | 1 |
| Newell Brands | Elmer's Stix-All | 1 |
| Newell Brands | Elmer's Super Fast Epoxy Cement | 1 |
| Newell Brands | Elmer's Super Glue | 1 |
| Newell Brands | Elmer's Ultimate Glue | 1 |
| Newell Brands | Elmer's Ultra Stix-All Gel | 1 |

*Some products in this line bear the AP Seal.

| Adhesives, cont'd | | |
|-------------------------------------|--------------------------------------------------------------------|---|
| Newell Brands | Krazy Glue All-Purpose | 1 |
| Newell Brands | Krazy Glue All-Purpose Brush-On | 1 |
| Newell Brands | Krazy Glue All-Purpose No-Run Gel | 1 |
| Newell Brands | Krazy Glue All-Purpose No-Run Gel Singles | 1 |
| Newell Brands | Krazy Glue All-Purpose Precision Control Pen | 1 |
| Newell Brands | Krazy Glue All-Purpose Precision Tube | 1 |
| Newell Brands | Krazy Glue All-Purpose Singles | 1 |
| Newell Brands | Krazy Glue All-Purpose Singles To-Go | 1 |
| Newell Brands | Krazy Glue Color Changing Glue - Brush | 1 |
| Newell Brands | Krazy Glue Color Changing Glue - Single Use Tube | 1 |
| Newell Brands | Krazy Glue Color Changing Glue - Tube | 1 |
| Newell Brands | Krazy Glue Craft Brush | 1 |
| Newell Brands | Krazy Glue Craft Extended Precision Tip | 1 |
| Newell Brands | Krazy Glue Craft No-Run Gel | 1 |
| Newell Brands | Krazy Glue Craft No-Run Gel Singles | 1 |
| Newell Brands | Krazy Glue Craft Ultra Thick No-Run Gel Precision Tip | 1 |
| Newell Brands | Krazy Glue Home & Office Brush-On | 1 |
| Newell Brands | Krazy Glue Home & Office No-Run Gel Precision Tip | 1 |
| Newell Brands | Krazy Glue Home & Office Singles | 1 |
| Newell Brands | Krazy Glue Home and Office Pen | 1 |
| Newell Brands | Krazy Glue Maximum Bond Extended Precision Tip Tube | 1 |
| Newell Brands | Krazy Glue Maximum Bond Extended Wood & Leather Precision Tip Tube | 1 |
| Newell Brands | Krazy Glue Maximum Bond Max Control No-Run Gel | 1 |
| Newell Brands | Krazy Glue Maximum Bond No-Run Gel | 1 |
| Newell Brands | Krazy Glue Maximum Bond Precision Tip | 1 |
| Newell Brands | Krazy Glue Maximum Bond Stay Fresh Gel | 1 |
| Newell Brands | Krazy Glue Skin Guard No-Run Gel | 1 |
| Newell Brands | Krazy Glue Skin Guard Precision Tip | 1 |
| Newell Brands | Krazy Glue Wood Glue | 1 |
| Newell Brands | Ross Rubber Cement | 1 |
| Newell Brands | Super Glue Gel | 1 |
| Speedball Art Products Co. | Best-Test One-Coat Cement | 1 |
| Speedball Art Products Co. | Best-Test Paper Cement | 1 |
| Speedball Art Products Co. | Best-Test Rubber Cement | 1 |
| Times Tienda LLC | Glue | 2 |
| Unecol Adhesives North America, LLC | Supertite Adhesive for Styrofoam/Polystyrene Adhesive | 1 |
| Unecol Adhesives North America, LLC | Supertite All-Purpose Universal Glue | 1 |
| Unecol Adhesives North America, LLC | Supertite Expert Instant Glue | 1 |

*Some products in this line bear the AP Seal.

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---|
| Adhesives, cont'd | | |
| Unecol Adhesives North America, LLC | Supertite Expert Instant Glue Gel | 1 |
| Unecol Adhesives North America, LLC | Supertite Instant Super Glue Kit (Super Glue + Cleaner) | 1 |
| Unecol Adhesives North America, LLC | Supertite Modeling Glue | 1 |
| Unecol Adhesives North America, LLC | Supertite Multi-Grab 360 | 1 |
| Unecol Adhesives North America, LLC | Supertite Rubber Craft Cement | 1 |
| Airbrush Colors, Mediums & Accessories | | |
| Salis International, Inc. | Dr. Ph. Martin's Spectratex | 1 |
| Brush Care Products | | |
| Chartpak | Weber Silicone Brush Cleaner | 1 |
| Daler-Rowney Limited | Daler-Rowney Oil Brush Cleaner | 1 |
| Daler-Rowney Limited | Georgian Oil Brush Cleaner | 1 |
| DecoArt, Inc. | Brush & Stencil Cleaner | 1 |
| Holbein Works Ltd. | Holbein Duo Brush Cleaner | 1 |
| Jerry's Artarama | Chelsea Classical Studio Citrus Essence Brush Cleaner | 1 |
| Plaid Enterprises, Inc. | Brush Plus | 1 |
| Plaid Enterprises, Inc. | Brush Rescue | 1 |
| Ceramics and sculpting materials | | |
| <i>Materials shaped into three-dimensional objects, such as clay or plaster, as well as materials fused to ceramic objects, such as glazes, slips, or ceramic wash.</i> | | |
| American Art Clay Co., Inc. | 25D White Art Clay | 1 |
| American Art Clay Co., Inc. | 46D Buff Stoneware Clay | 1 |
| American Art Clay Co., Inc. | 48D Stoneware (Grog) Clay | 1 |
| American Art Clay Co., Inc. | 67D Sedona Red Clay | 1 |
| American Art Clay Co., Inc. | X26A Clay Flour (50 lb) | 1 |
| American Art Clay Co., Inc. | AMACO Crea-Stone | 1 |
| American Art Clay Co., Inc. | AMACO Low-fire Gloss #09 | 3 |
| American Art Clay Co., Inc. | AMACO Low-fire Gloss #32 | 3 |
| American Art Clay Co., Inc. | AMACO Low-fire Gloss #53 | 3 |
| American Art Clay Co., Inc. | AMACO Low-fire Gloss #56 | 3 |
| American Art Clay Co., Inc. | AMACO Low-fire Gloss #66 | 3 |
| Mayco Colors | TL2000 Brilliant Gold | 3 |
| Mayco Colors | TL023 Renaissance Gold | 3 |
| Mayco Colors | TL204 Brilliant Silver | 3 |
| Mayco Colors | TL207 Brilliant Copper | 3 |
| Mayco Colors | TL211 Rain Forest | 3 |
| Mayco Colors | TL213 Ruby Red | 3 |
| Mayco Colors | TL214 Royal Blue | 3 |
| Shanghai Juncang Information Tec. | Qansto Super Light Clay | 2 |
| WLL Tech Solutions, Inc | Modelling Clay Incl F/Chinald | 2 |

| Cleaners and solvents <i>Liquids that dissolve, dilute, or disperse other substances for artistic effect or cleaning, such as mineral spirits, dry-erase cleaner, turpentine, paint thinner, or brush cleaners.</i> | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---|
| Aboveground Enterprises Inc. | Aboveground Art Supplies Odorless Mineral Spirits | 1 |
| Art & Frame of Sarasota, Inc. | Art & Frame of Sarasota Odorless Mineral Spirits | 1 |
| Art Materials, LLC | Art Materials Odorless Mineral Spirits | 1 |
| ArtMart, Inc | ArtMart Odorless Mineral Spirits | 1 |
| BIC Corporation | BIC Great Erase Whiteboard Cleaner | 1 |
| Binders Art Supplies & Frames | Binders Art Supplies & Framing Odorless Mineral Spirits | 1 |
| Blick Art Materials, LLC | Dick Blick Acrylic Remover | 1 |
| C2F, Inc. | ProArt Odorless Thinner | 1 |
| Chartpak | Weber Turpenoid Light | 1 |
| Chartpak | Bob Ross Odorless Thinner | 1 |
| Chartpak | Grumbacher Grumtine | 1 |
| Chartpak | Grumbacher Turpentine | 1 |
| Chartpak | Weber Artists Pure Gum Turpentine | 1 |
| Chartpak | Weber Odorless Turpenoid | 1 |
| Chroma Acrylics | Chroma Odorless Mineral Spirits | 1 |
| Daler-Rowney Limited | Daler-Rowney Turpentine | 1 |
| Daler-Rowney Limited | Rowney Low Odour Thinners | 1 |
| Daler-Rowney Limited | Simply | 1 |
| DaVinci Artist Supply | Chelsea Odorless Mineral Spirits | 1 |
| Graphaids Inc. | Graphaids Odorless Mineral Spirits | 1 |
| Grupo Azor Mexico SAPI De C.V. | Dry Erase Cleaner Magistral | 1 |
| Grupo Azor Mexico SAPI De C.V. | Magistral Limpiapizarrones | 1 |
| Grupo Azor Mexico SAPI De C.V. | Whiteboard Cleaner Magistral | 1 |
| Holbein Works Ltd. | Lesolvent De'Coloure | 1 |
| Holbein Works Ltd. | Odorless Lesolvent De Colore | 1 |
| Holbein Works Ltd. | Odorless Petrole | 1 |
| Holbein Works Ltd. | Spirit of Petroleum | 1 |
| Holbein Works Ltd. | Spirit of Turpentine | 1 |
| Holbein Works Ltd. | Venetian Turpentine | 1 |
| H. R. Meininger Company | Meininger Artists' Odorless Mineral Spirits | 1 |
| Hyatt's Graphic Supply Co., Inc. | Hyatt's Odorless Mineral Spirits | 1 |
| Industria Maimeri SpA | Maimeri Odourless Thinner | 1 |
| Industria Maimeri SpA | Maimeri Petroleum Essence | 1 |
| Industria Maimeri SpA | Maimeri Rectified Turpentine Essence | 1 |
| Industria Maimeri SpA | Maimeri White Spirit | 1 |
| Jack Richeson & Co., Inc. | Shiva Rectified Turpentine | 1 |
| Jack Richeson & Co., Inc. | Shiva Signa-Turp Odorless Thinner | 1 |
| Jack Richeson & Co., Inc. | Shiva Venice Turpentine | 1 |

*Some products in this line bear the AP Seal.

| Cleaners and solvents, cont'd | | |
|--------------------------------------------|-----------------------------------------------------|---|
| Jerry's Artarama | Chelsea Classical Studio Lavender Spike Oil Essence | 1 |
| Jerry's Artarama | Wilson Bickford Odorless Thinner | 1 |
| Lefranc & Bourgeois | L&B Louvre Turpentine | 1 |
| Lefranc & Bourgeois | L&B Louvre White Spirit (Essence de Petrol) | 1 |
| Lefranc & Bourgeois | L&B Odourless Solvent | 1 |
| Lefranc & Bourgeois | L&B Quick Drying Petroleum | 1 |
| Lefranc & Bourgeois | L&B Rectified Turpentine | 1 |
| Les Magasins D'Accord Inc./Madame Pickwick | Madame Pickwick Odorless Mineral Spirits | 1 |
| Liquitex | Liquitex Cap Cleaner (Aerosol) | 1 |
| Newell Brands | Loew-Cornell Better Way Brush Cleaning Fluid | 1 |
| Newell Brands | Loew-Cornell Odorless Brush Cleaner and Thinner | 1 |
| Newell Brands | Elmer's Craftbond Sticky Out | 1 |
| Newell Brands | Elmer's Sticky Out | 1 |
| Opus Framing & Art Supplies | Opus Art Supplies Odorless Mineral Spirits | 1 |
| Plaza Artist Materials | Plaza Odorless Mineral Spirits | 1 |
| Royal Talens | Odourless White Spirit | 1 |
| Royal Talens | Rectified Turpentine | 1 |
| Royal Talens | Rembrandt Odourless White Spirit | 1 |
| Royal Talens | Rembrandt Rectified Turpentine | 1 |
| Royal Talens | Talens White Spirit | 1 |
| School Specialty | Sax True Flow Odorless Mineral Spirits | 1 |
| Sennelier-Sauer | Odour Free Mineral Spirits | 1 |
| Speedball Art Products Co. | Best Klean | 1 |
| Speedball Art Products Co. | Speed Clean | 1 |
| Speedball Art Products Co. | Best Klean Turpentine | 1 |
| Speedball Art Products Co. | Bestine Solvent & Thinner | 1 |
| Speedball Art Products Co. | Best-Test Rubber Cement Thinner | 1 |
| The Rhinebeck Artist's Shop | Rhinebeck Artists Shop Odorless Mineral Spirits | 1 |
| Turner Colour Works Ltd. | Artist Color, Eco Remover | 1 |
| Turner Colour Works Ltd. | Palette Cleaner | 1 |
| Turner Colour Works Ltd. | Turner Acryl Gouache, Eco Remover | 1 |
| Utrecht Manufacturing LLC | Utrecht Gum Spirits Turpentine | 1 |
| Utrecht Manufacturing LLC | Utrecht Odorless Paint Thinner | 1 |
| Unecol Adhesives North America, LLC | Supertite Instant Adhesive Cleaner | 1 |
| University Art | University Odorless Mineral Spirits | 1 |
| Wet Paint, Inc. | Wet Paint Inc. Odorless Mineral Spirits | 1 |
| Winsor & Newton | W&N Sansodor | 1 |
| Winsor & Newton | Winsor & Newton Artists' White Spirit | 1 |
| Winsor & Newton | Winsor & Newton Distilled Turpentine | 1 |

*Some products in this line bear the AP Seal.

Drawing, coloring, etching, and craft materials

Materials (except paints) used to render designs or colors on a surface, such as pastels, ink, encaustic wax, colored pencils, or markers; materials used to prepare a surface for ink transferal, such as etching acid or soda ash; other materials used for art and craft projects, such as glitter or embossing powder.

| | | |
|-------------------------------|----------------------------------------------------------------------------------------------|----|
| ACCO Brands Corporation | Quartet 2-in-1 Dry-Erase Accessory Kit (4 Markers, 8 Colors) # | 1* |
| ACCO Brands Corporation | Quartet Enduraglide Dry-Erase Accessory Kit-Chisel Point # | 1* |
| ACCO Brands Corporation | Quartet Enduraglide Dry-Erase Accessory Kit-Fine Point # | 1* |
| Alpha Art Materials Co., Ltd. | Alpha Marker Refills | 1 |
| Alpha Art Materials Co., Ltd. | Mepxy Marker Refills | 1 |
| B & B Etching Products, Inc. | B&B Etchall Dip 'N Etch | 1 |
| B & B Etching Products, Inc. | B&B Etchall Etching Creme | 1 |
| B & B Etching Products, Inc. | B&B Etchall Gold-Off | 1 |
| Blick Art Materials, LLC | Blick Studio Brush Markers Refills | 1 |
| Board Dudes | 6 Magnetic Dry Erase Markers | 3 |
| Chartpak | Chartpak AD Markers Colorless Blender 6 pack | 3 |
| Chartpak | Chartpak Spectra AD Markers Refills | 1 |
| Chartpak | Chartpak Studio Brush Marker | 3 |
| Chartpak | Misket Liquid Frisket | 1 |
| Chartpak | Molotow Grafx Aqua Ink Refills | 1 |
| Chartpak | Susan Scheewe Blue Masking Fluid | 1 |
| Chartpak | The Original Chartpak AD Markers, Tri-Nib, 25 Assorted Architectural Colors in Tabletop Cube | 3 |
| Chartpak | The Original Chartpak AD Markers, Tri-Nib, 25 Assorted Landscape Colors in Tabletop Cube | 3 |
| Chartpak | Weber Masking Fluid | 1 |
| ColArt Americas, Inc. | Litho Autographic Ink | 1 |
| Color & Co. | Color & Co. Blue Masking Fluid | 1 |
| Chroma Acrylics | Chroma Fusion Gesso Primer | 1 |
| Cranfield Colours Ltd. | Cranfield Traditional Relief Inks | 1* |
| Expo | Dry Erase Markers (scented ink) | 3 |
| Hans Stockmar GmbH & Co. KG | Encaustic Waxes | 1 |
| Holbein Works Ltd. | Holbein Drawing Ink | 1 |
| Innovation First Trading Inc | Floor Marker | 2 |
| Innovation First Trading Inc | Water Color Marker | 2 |
| Jack Richeson & Co., Inc. | Shiva Liquid Masque | 1 |
| Jack Richeson & Co., Inc. | Shiva Liquid Masque Cleaner | 1 |
| Kuretake Co., Ltd. | ZIG Whiteboard Marker Ink | 1 |
| Kuretake Co., Ltd. | ZIG Kurecolor Refill Ink KCR-25 | 1 |
| Kuretake Co., Ltd. | Kuretake Nouboku Shogei | 1 |

*Some products in this line bear the AP Seal.

| Drawing, coloring, etching, and craft materials, cont'd | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|----|
| Kuretake Co., Ltd. | ZIG Cartoonist Sumi Ink 180 | 1 |
| Kuretake Co., Ltd. | ZIG Cartoonist Sumi Ink 20 | 1 |
| Kuretake Co., Ltd. | ZIG Cartoonist Sumi Ink 60 | 1 |
| Kuretake Co., Ltd. | ZIG Painty FX Ink | 1 |
| Newell Brands | Prismacolor Premier Colored Pencils | 1* |
| Newell Brands | Prismacolor Verithin Pencils | 1* |
| Pebeo of America | Drawing Gum | 1 |
| Pebeo of America | Self Adhesive Lead Strip | 1 |
| Pilot Corporation of America | Iroshizuki Inks (15ml) | 1* |
| Pilot Corporation of America | Iroshizuki Inks (50ml) | 1* |
| Pilot Corporation of America | Kakuno Fountain Pen Refill Ink (15ml) | 1* |
| Pilot Corporation of America | Kakuno Fountain Pen Refill Ink (50ml) | 1* |
| Pilot Corporation of America | Plumix Fountain Pen Refill Ink (15ml) | 1* |
| Pilot Corporation of America | Plumix Fountain Pen Refill Ink (50ml) | 1* |
| Plaid Enterprises, Inc. | Anna Griffin Etching Cream | 1 |
| Plaid Enterprises, Inc. | Folk Art Etch Cream | 1 |
| Plaid Enterprises, Inc. | Martha Stewart Glass Etch Cream | 1 |
| Playskool | Crayons (36 Count) | 3 |
| Royal Talens | Liquid Masking Film | 1 |
| Salis International, Inc. | Dr. Ph. Martin's Pen-White | 1 |
| ShinHan Art Materials Inc. | ShinHan Touch Refill Ink | 1 |
| Speedball Art Products Co. | Speedball Diazo Sensitizer | 1 |
| Speedball Art Products Co. | Speedball Photo Emulsion Remover | 1 |
| Staedtler | Lumocolor Whiteboard Marker Refill Station | 3 |
| Staedtler | Staedtler Triplus Fineliner 0.3 mm Porous Point Pen 334-SB10 | 3 |
| Too Marker Products Inc. | Copic Various Ink | 1 |
| U-Mark Inc | Extra Fine Line Marker | 3 |
| Utrecht Manufacturing LLC | Utrecht Art Masking Fluid | 1 |
| Paints | | |
| <i>Surface coatings applied as a thin layer to give color to an object. Paint media include acrylic, alkyd, oil, tempera, gouache, pigments, and watercolor.</i> | | |
| A.W. Faber-Castell Vertrieb GmbH | Polychromos Artists' Pastels | 1* |
| Blick Art Materials, LLC | Blick Artists' Oil Colors | 1* |
| Blick Art Materials, LLC | Dick Blick Artists Acrylic Colors | 1* |
| Blick Art Materials, LLC | Dick Blick Watercolors | 1* |
| C. Kreul GmbH & Co. KG | Marble Magic | 1 |
| Chartpak | Belton Molotow Premium | 1 |
| Chartpak | Belton Molotow Premium Neon | 1 |
| Chartpak | Grumbacher Finest Watercolors | 1* |
| Chartpak | Grumbacher Max Artists' Oil Color | 1* |
| Chartpak | Grumbacher Pre-Tested Artists' | 1* |
| Chartpak | John Howard Sanden ProMix Colors | 1* |

*Some products in this line bear the AP Seal.

| Paints, cont'd | | |
|--------------------------------|-----------------------------------------------------------------------|----|
| Chartpak | Molotow Urban Fine-Art Chalk Series (Aerosol) | 1 |
| Chartpak | Molotow Urban Fine-Art Professional Series Artists Acrylics (Aerosol) | 1 |
| Chartpak | Molotow Urban Fine-Art Special Series Neon | 1 |
| Chartpak | Molotow Urban Fine-Art Special Series Transparent (Aerosol) | 1 |
| Chartpak | The Portrait Institute Colors | 1* |
| Chartpak | Weber Professional Permalba Oil Colors (colors) | 1* |
| Charvin S.A.R.L | Charvin Extra Fine Oil Colors | 1* |
| Charvin S.A.R.L | Charvin Fine Oil Colors | 1* |
| Chroma Acrylics | Jo Sonja's Artists Colors | 1* |
| Daler-Rowney Limited | Daler-Rowney Artists Watercolour | 1* |
| Daler-Rowney Limited | Daler-Rowney Designers Gouache | 1* |
| Daler-Rowney Limited | Daler-Rowney Georgian Oil Colour | 1* |
| Daler-Rowney Limited | Rowney Artists' Oil Colours | 1* |
| Daler-Rowney Limited | Rowney Cryla Artists Acrylic | 1* |
| Daler-Rowney Limited | Rowney Egg Tempera | 1* |
| Daler-Rowney Limited | Rowney Goldfinger Colors | 1 |
| Daniel Smith, Inc. | Daniel Smith Extra Fine Watercolors | 1* |
| Daniel Smith, Inc. | Daniel Smith Original Oil Colors | 1* |
| Daniel Smith, Inc. | Daniel Smith Water Soluble Oil Colors | 1* |
| Daniel Smith, Inc. | Daniel Smith Watercolor Stick | 1* |
| DecoArt, Inc. | DecoArt Media Mist | 1 |
| DecoArt, Inc. | DecoArt Triple Thick Gloss Glaze | 1 |
| DecoArt, Inc. | Triple Thick Gloss Glaze | 1 |
| Derivan Pty. Ltd. | Matisse Artist Acrylic Colours | 1* |
| DESIGN MASTER Color Tool, Inc. | Color Tool Glitter Gold (831) | 1 |
| DESIGN MASTER Color Tool, Inc. | Color Tool Glitter Silver (832) | 1 |
| DESIGN MASTER Color Tool, Inc. | Color Tool Spray Paints | 1 |
| DESIGN MASTER Color Tool, Inc. | DESIGN MASTER Pottery Sealer (Aerosol) | 1 |
| DESIGN MASTER Color Tool, Inc. | DESIGN MASTER UBERFROST | 1 |
| DESIGN MASTER Color Tool, Inc. | DESIGN MASTER UBERMATTE | 1 |
| DESIGN MASTER Color Tool, Inc. | Dresden Clear Glaze (Aerosol) | 1 |
| DESIGN MASTER Color Tool, Inc. | Glossy Lacquers | 1 |
| DESIGN MASTER Color Tool, Inc. | Home Decor Clear Gloss | 1 |
| DESIGN MASTER Color Tool, Inc. | Home Decor Clear Matte | 1 |
| DESIGN MASTER Color Tool, Inc. | Just for Flowers | 1 |
| DESIGN MASTER Color Tool, Inc. | Modern Metals | 1 |
| DESIGN MASTER Color Tool, Inc. | Super Surface Sealer | 1 |
| DESIGN MASTER Color Tool, Inc. | Tintit | 1 |
| Holbein Works Ltd. | Holbein Academic Oil Color | 1* |
| Holbein Works Ltd. | Holbein Acryla Designer's Gouache | 1* |
| Holbein Works Ltd. | Holbein Acrylic Colors, Heavy Body Artist Acrylic | 1* |

*Some products in this line bear the AP Seal.

| Paints, cont'd | | |
|-------------------------------|------------------------------------------|----|
| Holbein Works Ltd. | Holbein Acrylic Gouache | 1* |
| Holbein Works Ltd. | Holbein Artists' Oil Color | 1* |
| Holbein Works Ltd. | Holbein Artists' Water Color | 1* |
| Holbein Works Ltd. | Holbein Duo Oil Colors | 1* |
| Holbein Works Ltd. | Holbein Ecolse Oil Color | 1* |
| Holbein Works Ltd. | Holbein Gouache | 1* |
| Holbein Works Ltd. | Holbein Gum Arabic (PG507/PG557) | 1 |
| Holbein Works Ltd. | Holbein Pop Oil Color | 1* |
| Holbein Works Ltd. | Holbein Superior Artists' Oil Color | 1* |
| Industria Maimeri SpA | Acrilico Maimeri | 1* |
| Industria Maimeri SpA | Maimeri Artisti Series | 1* |
| Industria Maimeri SpA | Maimeri Blu (Liquid) | 1* |
| Industria Maimeri SpA | Maimeri Brera Acrylic | 1* |
| Industria Maimeri SpA | Maimeri Classico Series | 1* |
| Industria Maimeri SpA | Maimeri One Acrylic | 1* |
| Industria Maimeri SpA | Maimeri Pigmenti | 1* |
| Industria Maimeri SpA | Maimeri Puro Series | 1* |
| Industria Maimeri SpA | Maimeri Venezia Watercolour | 1* |
| Jack Richeson & Co., Inc. | Handmade Pastels | 1 |
| Jack Richeson & Co., Inc. | Jack Richeson Oils (Shiva Series) | 1* |
| Jack Richeson & Co., Inc. | Shiva Casein Colors | 1* |
| Jack Richeson & Co., Inc. | Stephen Quiller Professional Watercolors | 1* |
| Jerry's Artarama | SoHo Urban Artist Oils | 1* |
| Kremer Pigmente GmbH & Co. KG | Kremer Pigments | 1* |
| Lefranc & Bourgeois | L&B Fine Gouache | 1* |
| Lefranc & Bourgeois | L&B Linel 35GT | 1* |
| Liquitex | Liquitex Heavy Body Acrylic Colours | 1* |
| Liquitex | Liquitex Professional Spray Paint | 1 |
| Liquitex | Liquitex Soft Body Artist Acrylic Colors | 1* |
| Lukas-Nerchau GmbH | Lukas 1862 Oil | 1* |
| Lukas-Nerchau GmbH | Lukas Acrylic Modeling Paste | 1 |
| Lukas-Nerchau GmbH | Lukas Cryl Pastos | 1* |
| Lukas-Nerchau GmbH | Lukas Wipe-Metal | 1 |
| Lukas-Nerchau GmbH | Nerchau Acrylic Structure Paste, Fine | 1 |
| Michaels Stores, Inc. | Craftsmart Premium Gilding Paint | 1 |
| Newell Brands | Prismacolor Art Stix | 1* |
| Pebeo of America | Artist Acrylics Extra Fine | 1* |
| Pebeo of America | Gilding Wax | 1 |
| Pebeo of America | Pebeo Ceramic | 1 |
| Pebeo of America | Setacolor Thickener | 1 |
| Pebeo of America | Vitrail | 1 |
| Plaid Enterprises, Inc. | Folk Art Clear Coat Glaze | 1 |
| Plaid Enterprises, Inc. | Folk Art Glitterific | 1 |
| Plaid Enterprises, Inc. | Folk Art Lettering Paint | 1 |
| Plaid Enterprises, Inc. | Liquid Leaf | 1 |

*Some products in this line bear the AP Seal.

| Paints, cont'd | | |
|--------------------------------------------------|-------------------------------------------------------------|----|
| Plaid Enterprises, Inc. | Martha Stewart Guilding | 1 |
| Plaza Artist Materials | Plaza Oils | 1* |
| Rachlyn Art | Rachlyn Art Eco-MaxGlo Acrylic Paint | 1* |
| Rachlyn Art | Rachlyn Art Glow in the Dark Paint | 1* |
| Royal Talens | Amsterdam Spraypaint | 1* |
| Royal Talens | ArtCreation Watercolours (Liquid) | 1* |
| Royal Talens | Cobra | 1* |
| Royal Talens | Rembrandt Oil Colours | 1* |
| Royal Talens | Rembrandt Watercolors (Liquid) | 1* |
| Royal Talens | Van Gogh Oil Colours | 1* |
| Royal Talens | Van Gogh Watercolours (Liquid) | 1* |
| Rust-Oleum | Anita's Acrylic Metallic Paint | 1* |
| Salis International, Inc. | Dr. Ph. Martin's Bleed Proof White | 1 |
| Sennelier-Sauer | Finest Artist's Oils | 1* |
| Sennelier-Sauer | Gutta Resist | 1 |
| Sennelier-Sauer | Gutta Serti | 1 |
| Sennelier-Sauer | Sennelier Artists Acrylics | 1* |
| Sennelier-Sauer | Sennelier Egg Tempera | 1* |
| Sennelier-Sauer | Sennelier Extra Fine Watercolors | 1* |
| Sennelier-Sauer | Sennelier Giant Oil Pastels | 1* |
| Sennelier-Sauer | Sennelier Oil Pastels | 1* |
| Sennelier-Sauer | Tinfix Design | 1* |
| Shanghai SIIC Marie Painting Materials Co., Ltd. | Marie's Oil Colour | 1* |
| ShinHan Art Materials Inc. | ShinHan AWC Professional Water Colors | 1* |
| ShinHan Art Materials Inc. | ShinHan Poster Colors | 1* |
| ShinHan Art Materials Inc. | ShinHan Professional Acrylic Color | 1* |
| ShinHan Art Materials Inc. | ShinHan Professional Korean Color | 1* |
| ShinHan Art Materials Inc. | ShinHan Professional Oil Colors (50ML, 100ML, 180ML, 250ML) | 1* |
| ShinHan Art Materials Inc. | ShinHan Professional Poster Colors | 1* |
| ShinHan Art Materials Inc. | ShinHan PWC Premium Extra Fine Artists' Water Colors | 1* |
| ShinHan Art Materials Inc. | ShinHan SWC Professional Extra Fine Artists' Water Colors | 1* |
| Too Marker Products Inc. | Copic Opaque White | 1 |
| Turner Colour Works Ltd. | Artists Water Colour | 1* |
| Turner Colour Works Ltd. | Design Colour | 1* |
| Turner Colour Works Ltd. | Neo Colour | 1* |
| Turner Colour Works Ltd. | Turner Acryl Gouache | 1* |
| Turner Colour Works Ltd. | Turner Acryl Gouache, Liquid | 1* |
| Turner Colour Works Ltd. | Turner Acryl Gouache, Soft | 1* |
| Turner Colour Works Ltd. | Turner Design Gouache | 1* |
| Turner Colour Works Ltd. | Turner Poster Colour | 1* |

*Some products in this line bear the AP Seal.

| Paints, cont'd | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|----|
| Utrecht Manufacturing LLC | Utrecht Artists' Acrylic Wood Box Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists' Acrylics Landscape Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists' Acrylics Portrait Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists' Oil Color Flake White | 1 |
| Utrecht Manufacturing LLC | Utrecht Artists' Oil Color Flemish White | 1 |
| Utrecht Manufacturing LLC | Utrecht Artists' Oil Wood Box Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists' Oils Landscape Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists' Oils Portrait Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists Pro Wood Box Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Artists Watercolor Portrait Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Complete Artists' Acrylic Painting Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Deluxe Acrylic Paint Box Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Deluxe Oil Color Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Designer's Gouache | 1* |
| Utrecht Manufacturing LLC | Utrecht Designer's Gouache Set | 1* |
| Utrecht Manufacturing LLC | Utrecht Professional Artists' Acrylic Colors | 1* |
| Utrecht Manufacturing LLC | Utrecht Professional Artists' Oil Colors | 1* |
| Utrecht Manufacturing LLC | Utrecht Professional Artists' Watercolors | 1* |
| Winsor & Newton | Process | 1 |
| Winsor & Newton | W&N Artists' Water Colours | 1* |
| Winsor & Newton | W&N Designers Gouache Colours (14ML) | 1* |
| Winsor & Newton | W&N Designers Gouache Colours (37ML, 100ML) | 1* |
| Winsor & Newton | W&N Griffin Alkyd Colours | 1 |
| Winsor & Newton | Winsor & Newton Artists' Acrylic Colours | 1* |
| Photographic chemicals | | |
| <i>Chemical products used to set photosensitive emulsions on surfaces, or used to develop images from exposed photosensitive materials. Such chemicals include developer, stop bath, fixer, toner, photo sensitizer, and cyanotype chemicals.</i> | | |
| No chemical products intended for preparing or developing photographic materials should be purchased for use by students in K-6 th grade. | | |
| Preparation, process, and finishing materials | | |
| <i>Materials used for surface preparation, such as ground or gesso; materials used for control in the process of creating artwork, such as masking fluid or drying medium; materials used to protect or give a particular visual quality to the surface of a piece, such as varnish, fixatives, or finishing spray.</i> | | |
| American Art Clay Co., Inc. | AMACO Nail Hole Filler | 1* |
| Blick Art Materials, LLC | Blick Damar Varnish | 1 |
| Blick Art Materials, LLC | Blick Gloss Fixative (Spray) | 1 |
| Blick Art Materials, LLC | Blick Matte Fixative (Spray) | 1 |
| Blick Art Materials, LLC | Blick Quickglaze for Oils | 1 |
| Chartpak | Bob Ross Damar Spray Varnish (Gloss, Matt, Retouch) | 1 |
| Chartpak | Bob Ross Glazing Medium | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|--------------------------------------------------------------|-------------------------------------------------------------|---|
| Chartpak | Bob Ross Oil Paint Medium | 1 |
| Chartpak | Grumbacher Acrylic Painting Varnish Gloss (Aerosol) | 1 |
| Chartpak | Grumbacher Alkyd Medium Thin | 1 |
| Chartpak | Grumbacher Alkyd Painting Medium | 1 |
| Chartpak | Grumbacher Cobalt Drier | 1 |
| Chartpak | Grumbacher Copal Painting Medium | 1 |
| Chartpak | Grumbacher Damar Gloss (Aerosol) | 1 |
| Chartpak | Grumbacher Damar Matte (Aerosol) | 1 |
| Chartpak | Grumbacher Damar Retouch (Aerosol) | 1 |
| Chartpak | Grumbacher Damar Varnish (Liquid) | 1 |
| Chartpak | Grumbacher Final Fixative Gloss (Aerosol) | 1 |
| Chartpak | Grumbacher Final Fixative Matte (Aerosol) | 1 |
| Chartpak | Grumbacher Japan Drier | 1 |
| Chartpak | Grumbacher Matte Medium | 1 |
| Chartpak | Grumbacher Matte Varnish | 1 |
| Chartpak | Grumbacher Oil Painting Medium I | 1 |
| Chartpak | Grumbacher Oil Painting Medium II | 1 |
| Chartpak | Grumbacher Oil Painting Medium III | 1 |
| Chartpak | Grumbacher Oil Painting Restorer | 1 |
| Chartpak | Grumbacher Picture and Oil Painting Varnish Gloss (Aerosol) | 1 |
| Chartpak | Grumbacher Picture and Oil Painting Varnish Matte (Aerosol) | 1 |
| Chartpak | Grumbacher Picture Varnish | 1 |
| Chartpak | Grumbacher Pre-tested Odorless Thinner | 1 |
| Chartpak | Grumbacher Retouch Varnish | 1 |
| Chartpak | Grumbacher Workable Fixative (Aerosol) | 1 |
| Chartpak | Grumbacher Zec | 1 |
| Chartpak | Molotow Urban Fine-Art 2K Clear Gloss Varnish (Aerosol) | 1 |
| Chartpak | Molotow Urban Fine-Art UV-Varnish Gloss (Aerosol) | 1 |
| Chartpak | Molotow Urban Fine-Art UV-Varnish Matt (Aerosol) | 1 |
| Chartpak | Susan Scheewe Spray Damar Varnish (Gloss, Matt, Retouch) | 1 |
| Chartpak | Weber Adhesive Preparation | 1 |
| Chartpak | Weber Archival Copal Painting Medium | 1 |
| Chartpak | Weber Blue Label Reworkable Fixatif (Aerosol) | 1 |
| Chartpak | Weber Blue Label Reworkable Fixatif (Liquid) | 1 |
| Chartpak | Weber Cleaning Solution for Paints | 1 |
| Chartpak | Weber Damar Varnish | 1 |
| Chartpak | Weber Japan Drier | 1 |
| Chartpak | Weber Light Drying Oil | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|-------------------------------------------------------|------------------------------------------------|---|
| Chartpak | Weber Liquiglaze | 1 |
| Chartpak | Weber Matvar 53 Varnish | 1 |
| Chartpak | Weber Oil Painting Medium | 1 |
| Chartpak | Weber Permalba Impasto Gel Medium | 1 |
| Chartpak | Weber Rapidry Paint Medium | 1 |
| Chartpak | Weber Resin Oil Medium 789 | 1 |
| Chartpak | Weber Salamander Restorative for Paintings | 1 |
| Chartpak | Weber Sphinx Retouch Varnish | 1 |
| Chartpak | Weber Synvar Varnish | 1 |
| Chartpak | Weber Turpenoid Gel Painting Medium | 1 |
| Chroma Acrylics | Archival Classic | 1 |
| Chroma Acrylics | Archival Fat | 1 |
| Chroma Acrylics | Archival Smooth Gel Medium | 1 |
| ColArt Americas, Inc. | Damar Retouching | 1 |
| ColArt Americas, Inc. | Exterior | 1 |
| ColArt Americas, Inc. | Griffin Picture | 1 |
| ColArt Americas, Inc. | Japan Gold Size | 1 |
| Cranfield Colours Ltd. | Cranfield Wiping Compound & Tack Reducer | 1 |
| Daler-Rowney Limited | Daler-Rowney Alkyd Flow Medium | 1 |
| Daler-Rowney Limited | Daler-Rowney Alkyd Gel Medium | 1 |
| Daler-Rowney Limited | Daler-Rowney Alkyd White | 1 |
| Daler-Rowney Limited | Daler-Rowney Art Masking Fluid | 1 |
| Daler-Rowney Limited | Daler-Rowney Artists Clear Picture Varnish | 1 |
| Daler-Rowney Limited | Daler-Rowney Damar Varnish | 1 |
| Daler-Rowney Limited | Daler-Rowney Fixative | 1 |
| Daler-Rowney Limited | Daler-Rowney Low Odour Perfix (Aerosol) | 1 |
| Daler-Rowney Limited | Daler-Rowney Luma Bleed Proof White | 1 |
| Daler-Rowney Limited | Daler-Rowney Retouching Varnish | 1 |
| Daler-Rowney Limited | Daler-Rowney Simply Art Masking Fluid | 1 |
| Daler-Rowney Limited | Daler-Rowney Water Mixable Oil Medium | 1 |
| Daler-Rowney Limited | Gel Medium | 1 |
| Daler-Rowney Limited | Goldfinger Varnish | 1 |
| Daler-Rowney Limited | Rowney Cryla Soluble Gloss Varnish | 1 |
| Daler-Rowney Limited | Rowney Cryla Soluble Matt Varnish | 1 |
| Daler-Rowney Limited | Rowney Matt Varnish | 1 |
| Daler-Rowney Limited | Rowney Painting Medium for Oil Colour | 1 |
| Daler-Rowney Limited | Rowney Perfix | 1 |
| Daler-Rowney Limited | Rowney Poster & Water Color Varnish | 1 |
| Daniel Smith, Inc. | Daniel Smith Acrylic Flow Releaser | 1 |
| Daniel Smith, Inc. | Daniel Smith Artist Masking Fluid | 1 |
| Daniel Smith, Inc. | Daniel Smith Painting Medium for Oils & Alkyds | 1 |
| DecoArt, Inc. | Americana Gloss (aerosol) | 1 |
| DecoArt, Inc. | Americana Matt (aerosol) | 1 |
| Derivan Pty. Ltd. | Matisse Final Varnish Gloss Varnish (MM14) | 1 |
| Derivan Pty. Ltd. | Matisse Final Varnish Matt Varnish (MM15) | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|--------------------------------------------------------------|-----------------------------------------------|---|
| Derivan Pty. Ltd. | Matisse Final Varnish Satin Varnish (MM29) | 1 |
| Helmar Australia Pty. Ltd. | Helmar Crystal Kote Fixative (Aerosol) | 1 |
| Helmar Australia Pty. Ltd. | Helmar Crystal Kote Gloss (Aerosol) | 1 |
| Helmar Australia Pty. Ltd. | Helmar Crystal Kote Matte (Aerosol) | 1 |
| Helmar Australia Pty. Ltd. | Helmar Crystal Kote Retouch Varnish (Aerosol) | 1 |
| Holbein Works Ltd. | Glazing | 1 |
| Holbein Works Ltd. | Holbein Duo Linseed Oil | 1 |
| Holbein Works Ltd. | Holbein Duo Painting Oil Medium | 1 |
| Holbein Works Ltd. | Holbein Duo Stand Linseed Oil | 1 |
| Holbein Works Ltd. | Japan Gold Size | 1 |
| Holbein Works Ltd. | Odorless Painting Oil | 1 |
| Holbein Works Ltd. | Odorless Painting Varnish | 1 |
| Holbein Works Ltd. | Painting Medium Jelly | 1 |
| Holbein Works Ltd. | Painting Oil Medium | 1 |
| Holbein Works Ltd. | Painting Varnish | 1 |
| Holbein Works Ltd. | Picture Varnish | 1 |
| Holbein Works Ltd. | Quick Drying Medium | 1 |
| Holbein Works Ltd. | Retouch Varnish | 1 |
| Holbein Works Ltd. | Vernet Painting Varnish (Linseed Type) | 1 |
| Holbein Works Ltd. | Vernet Painting Varnish (Poppy Type) | 1 |
| Industria Maireri SpA | Maireri Acrylic Picture Varnish | 1 |
| Industria Maireri SpA | Maireri Concentrated Mastic Varnish | 1 |
| Industria Maireri SpA | Maireri Dammar Varnish | 1 |
| Industria Maireri SpA | Maireri Drying Gel Medium | 1 |
| Industria Maireri SpA | Maireri Drying Medium | 1 |
| Industria Maireri SpA | Maireri Gloss Picture Varnish | 1 |
| Industria Maireri SpA | Maireri Mastic Varnish | 1 |
| Industria Maireri SpA | Maireri Mat Picture Varnish | 1 |
| Industria Maireri SpA | Maireri Oil Painting Primer | 1 |
| Industria Maireri SpA | Maireri Oily Thinner | 1 |
| Industria Maireri SpA | Maireri OILYN | 1 |
| Industria Maireri SpA | Maireri Operation for Gold Leaf | 1 |
| Industria Maireri SpA | Maireri Picture Varnish for Restoration | 1 |
| Industria Maireri SpA | Maireri Painting Varnish | 1 |
| Industria Maireri SpA | Maireri Patina Varnish | 1 |
| Industria Maireri SpA | Maireri Pencil and Charcoal Fixative | 1 |
| Industria Maireri SpA | Maireri Restauro | 1 |
| Industria Maireri SpA | Maireri Retouching Varnish for Restoration | 1 |
| Industria Maireri SpA | Maireri Strong Solvent for Restoration | 1 |
| Industria Maireri SpA | Maireri Thinner for Restoration | 1 |
| Industria Maireri SpA | Maireri Venetian Turpentine | 1 |
| Industria Maireri SpA | Maireri Vernice per Quadri | 1 |
| Industria Maireri SpA | Maireri Vernice per Ritocco | 1 |
| Industria Maireri SpA | Maireri Watercolour Medium | 1 |
| Jack Richeson & Co., Inc. | Shiva Copal Painting Medium | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|-------------------------------------------------------|---------------------------------------------------|---|
| Jack Richeson & Co., Inc. | Shiva Damar Varnish | 1 |
| Jerry's Artarama | Chelsea Classical Studio Fat Medium | 1 |
| Jerry's Artarama | Chelsea Classical Studio Lavender Damar Varnish | 1 |
| Jerry's Artarama | Chelsea Classical Studio Lavender Retouch Varnish | 1 |
| Jerry's Artarama | Chelsea Classical Studio Lean Medium | 1 |
| Jerry's Artarama | Wilson Bickford Clear Glazing Medium | 1 |
| Kremer Pigmente GmbH & Co. KG | Carbopol EZ 2 | 1 |
| Kremer Pigmente GmbH & Co. KG | Clove Oil 73700 | 1 |
| Kremer Pigmente GmbH & Co. KG | Preventol On Extra | 1 |
| Kremer Pigmente GmbH & Co. KG | Spike-Lavender Oil 73800 | 1 |
| Kremer Pigmente GmbH & Co. KG | Texanol | 1 |
| Lefranc & Bourgeois | Black Satin for Etching | 1 |
| Lefranc & Bourgeois | Charbonnel 3 Hour Gold Size | 1 |
| Lefranc & Bourgeois | Duroziez Harlem Drying | 1 |
| Lefranc & Bourgeois | J. G. Vibert Picture Varnish | 1 |
| Lefranc & Bourgeois | L&B Extra Fine Dammar Varnish | 1 |
| Lefranc & Bourgeois | L&B Fixative Spray (Aerosol) | 1 |
| Lefranc & Bourgeois | L&B J. G. Vibert Retouching Varnish | 1 |
| Lefranc & Bourgeois | L&B Louvre Retouching Varnish | 1 |
| Lefranc & Bourgeois | L&B Ox Gall | 1 |
| Lefranc & Bourgeois | Lefranc & Bourgeois Isolating Varnish | 1 |
| Lefranc & Bourgeois | Lefranc & Bourgeois J.G. Vibert Painting Varnish | 1 |
| Lefranc & Bourgeois | Lefranc & Bourgeois Matt Acrylic Picture Varnish | 1 |
| Lefranc & Bourgeois | Lefranc & Bourgeois Satin Picture Varnish | 1 |
| Liquitex | Liquitex Soluvar Gloss Final Picture Varnish | 1 |
| Liquitex | Liquitex Soluvar Gloss Picture Varnish (Liquid) | 1 |
| Liquitex | Liquitex Soluvar Gloss Varnish (Aerosol) | 1 |
| Liquitex | Liquitex Soluvar Matte Final Picture Varnish | 1 |
| Liquitex | Liquitex Soluvar Matte Picture Varnish (Liquid) | 1 |
| Liquitex | Liquitex Soluvar Matte Varnish (Aerosol) | 1 |
| Liquitex | Liquitex Spray Gloss Varnish | 1 |
| Liquitex | Liquitex Spray Matt Varnish | 1 |
| Liquitex | Liquitex Spray Satin Varnish | 1 |
| Lukas-Nerchau GmbH | Lukas Citrus Turpentine | 1 |
| Lukas-Nerchau GmbH | Lukas Cobalt Siccative | 1 |
| Lukas-Nerchau GmbH | Lukas Cracking Varnish 1 | 1 |
| Lukas-Nerchau GmbH | Lukas Cryl Varnish Brilliant | 1 |
| Lukas-Nerchau GmbH | Lukas Cryl Varnish Matt | 1 |
| Lukas-Nerchau GmbH | Lukas Cryl Varnish Silk-Brilliant | 1 |
| Lukas-Nerchau GmbH | Lukas Dammar Varnish 2206 | 1 |
| Lukas-Nerchau GmbH | Lukas Finish Varnish Glossy 2203 | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|-------------------------------------------------------|-----------------------------------------|---|
| Lukas-Nerchau GmbH | Lukas Masking Fluid 2239 | 1 |
| Lukas-Nerchau GmbH | Lukas Matt Varnish | 1 |
| Lukas-Nerchau GmbH | Lukas Medium 1 | 1 |
| Lukas-Nerchau GmbH | Lukas Medium 6 | 1 |
| Lukas-Nerchau GmbH | Lukas Medium 7 | 1 |
| Lukas-Nerchau GmbH | Lukas Painting Medium 2 | 1 |
| Lukas-Nerchau GmbH | Lukas Painting Medium 3 | 1 |
| Lukas-Nerchau GmbH | Lukas Painting Medium 4 | 1 |
| Lukas-Nerchau GmbH | Lukas Painting Medium 5 | 1 |
| Lukas-Nerchau GmbH | Lukas Patina | 1 |
| Lukas-Nerchau GmbH | Lukas Picture Varnish Gloss 2202 | 1 |
| Lukas-Nerchau GmbH | Lukas Pure Balsam Turpentine | 1 |
| Lukas-Nerchau GmbH | Lukas Rectified Balsam Turpentine | 1 |
| Lukas-Nerchau GmbH | Lukas Retouching Varnish 2205 | 1 |
| Lukas-Nerchau GmbH | Lukas Shellac Solution | 1 |
| Lukas-Nerchau GmbH | Lukas Siccative de Haarlem | 1 |
| Lukas-Nerchau GmbH | Lukas Synthetic Ox Gall | 1 |
| Lukas-Nerchau GmbH | Lukas Wetting Agent | 1 |
| Michaels Stores, Inc. | Artist's Loft Pouring Medium | 1 |
| Michaels Stores, Inc. | Artminds Stencil Adhesive (Aerosol) | 1 |
| Pebeo of America | 4Artist Marker Gloss Varnish | 1 |
| Pebeo of America | Artist Acrylics Gloss Varnish | 1 |
| Pebeo of America | Ceramic Bright Clear Glaze | 1 |
| Pebeo of America | Crystal Varnish | 1 |
| Pebeo of America | Matt Photo Spray Fixative | 1 |
| Pebeo of America | Matte Picture (Liquid & Aerosol) | 1 |
| Pebeo of America | Matte Picture Varnish | 1 |
| Pebeo of America | Odorless Mineral Spirit | 1 |
| Pebeo of America | Painting Medium | 1 |
| Pebeo of America | Pastel Fixative | 1 |
| Pebeo of America | Pastel Fixative Spray | 1 |
| Pebeo of America | Pebeo Studio Acrylics Pouring Medium | 1 |
| Pebeo of America | Solvent Based UV-Absorber | 1 |
| Pebeo of America | Solvent Gouache Varnish Spray Fixative | 1 |
| Pebeo of America | Superfine Picture Varnish | 1 |
| Pebeo of America | Vitrail Medium Lightening | 1 |
| Plaid Enterprises, Inc. | Folk Art Acrylic Matte Sealer (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Acrylic Sealer | 1 |
| Plaid Enterprises, Inc. | Folk Art Clearcote Glaze (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Clearcote Hi-Shine | 1 |
| Plaid Enterprises, Inc. | Folk Art Hi-Shine (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Lacquer Flat (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Lacquer Gloss (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Lacquer Matte (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Folk Art Pearl Glaze (Aerosol) | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|-------------------------------------------------------|------------------------------------------------|---|
| Plaid Enterprises, Inc. | Folk Art Sanding Sealer (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Mod Podge Acrylic Sealer Gloss (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Mod Podge Acrylic Sealer Matte (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Mod Podge Super Hi Shine (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Patricia Nimock's Gloss Sealer (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Patricia Nimock's Matt Sealer (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Plaid Clay Pot Sealer (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Plaid Stencil Adhesive (Aerosol) | 1 |
| Plaid Enterprises, Inc. | Royal Coat Decoupage Hi-Gloss Finish (Aerosol) | 1 |
| Royal Talens | Acrylic Varnish Glossy (Aerosol) | 1 |
| Royal Talens | Acrylic Varnish Glossy (Liquid) | 1 |
| Royal Talens | Acrylic Varnish Mat (Aerosol) | 1 |
| Royal Talens | Acrylic Varnish Mat (Liquid) | 1 |
| Royal Talens | Amsterdam Acrylic Varnish Gloss (Liquid) | 1 |
| Royal Talens | Amsterdam Acrylic Varnish Matt (Liquid) | 1 |
| Royal Talens | Cobra, Picture Varnish Gloss (Aerosol) | 1 |
| Royal Talens | Cobra, Picture Varnish Matt (Aerosol) | 1 |
| Royal Talens | Cobra, Picture Varnish Satin (Aerosol) | 1 |
| Royal Talens | Painting Medium (Liquid) | 1 |
| Royal Talens | Painting Paste | 1 |
| Royal Talens | Picture Varnish Glossy (Liquid) | 1 |
| Royal Talens | Picture Varnish Mat (Aerosol) | 1 |
| Royal Talens | Picture Varnish Mat (Liquid) | 1 |
| Royal Talens | Rembrandt Alkydmedium 007 | 1 |
| Royal Talens | Rembrandt Glazing Medium | 1 |
| Royal Talens | Rembrandt Painting Medium (Liquid) | 1 |
| Royal Talens | Rembrandt Picture Varnish Glossy (Liquid) | 1 |
| Royal Talens | Rembrandt Picture Varnish Mat (Liquid) | 1 |
| Royal Talens | Rembrandt Retouching Varnish (Liquid) | 1 |
| Royal Talens | Retouching Varnish (Aerosol) | 1 |
| Royal Talens | Retouching Varnish (Liquid) | 1 |
| Royal Talens | Talens Concentrated Fixative (Aerosol) | 1 |
| Royal Talens | Talens Dammar Picture Mat | 1 |
| Royal Talens | Talens Protecting Spray | 1 |
| Royal Talens | Talens Siccative Dark (De Harlem) | 1 |
| Royal Talens | Talens Siccative De Courtrai | 1 |
| Royal Talens | Talens Varnish for Designer Colors Glossy | 1 |
| Royal Talens | Talens Varnish for Designer Colors Mat | 1 |
| Royal Talens | Talens Varnish for Watercolors Mat | 1 |
| Salis International, Inc. | Dr. Ph. Martin's Frisket Mask Liquid Level 1 | 1 |
| Salis International, Inc. | Dr. Ph. Martin's Frisket Mask Liquid Level 2 | 1 |
| Sennelier-Sauer | Colophony | 1 |
| Sennelier-Sauer | Concentrated Dye Fixative | 1 |
| Sennelier-Sauer | Delacroix Fixative (Liquid) | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|-------------------------------------------------------|------------------------------------------------------|---|
| Sennelier-Sauer | Gel 'N Dry | 1 |
| Sennelier-Sauer | Gloss Lacquer with UV Protection | 1 |
| Sennelier-Sauer | Gum Arabic | 1 |
| Sennelier-Sauer | Gum Arabic for Gouache or Water Colors | 1 |
| Sennelier-Sauer | Latour Fixative (Liquid) | 1 |
| Sennelier-Sauer | Matt Lacquer with UV Protection | 1 |
| Sennelier-Sauer | Oil Paint Impasto Medium | 1 |
| Sennelier-Sauer | Oil Pastel Fixative (Liquid) | 1 |
| Sennelier-Sauer | Ox Gall for Gouache or Water Colors | 1 |
| Sennelier-Sauer | Preservative Agenft | 1 |
| Sennelier-Sauer | Sennelier Aerosol Fixative, D'Artigny Spray Fixative | 1 |
| Sennelier-Sauer | Sennelier Aerosol Fixative, Delacroix Spray Fixative | 1 |
| Sennelier-Sauer | Sennelier Aerosol Fixative, Latour Spray Fixative | 1 |
| Sennelier-Sauer | Sennelier Aerosol Varnish, Turner Retouching Varnish | 1 |
| Sennelier-Sauer | Van Eyck Medium | 1 |
| Sennelier-Sauer | Veronese Medium | 1 |
| Turner Colour Works Ltd. | Artist Color, AG Cleaner | 1 |
| Turner Colour Works Ltd. | Artist Color, Fabric Medium | 1 |
| Turner Colour Works Ltd. | Artist Color, Modeling Paste/Pastel | 1 |
| Turner Colour Works Ltd. | Turner Masking Fluid | 1 |
| Utrecht Manufacturing LLC | Utrecht Alkyd Gel Oil Painting Medium | 1 |
| Utrecht Manufacturing LLC | Utrecht Alkyd Glazing Medium | 1 |
| Utrecht Manufacturing LLC | Utrecht Copal Medium | 1 |
| Utrecht Manufacturing LLC | Utrecht Damar Varnish | 1 |
| Utrecht Manufacturing LLC | Utrecht Gloss Oil Varnish | 1 |
| Utrecht Manufacturing LLC | Utrecht Japan Drier | 1 |
| Utrecht Manufacturing LLC | Utrecht Matte Oil Varnish | 1 |
| Utrecht Manufacturing LLC | Utrecht Oil Painting Medium | 1 |
| Utrecht Manufacturing LLC | Utrecht Retouch Varnish | 1 |
| Winsor & Newton | W&N All Purpose Varnish High Gloss (Aerosol) | 1 |
| Winsor & Newton | W&N All Purpose Varnish Matt (Aerosol) | 1 |
| Winsor & Newton | W&N Artists' Retouching Varnish | 1 |
| Winsor & Newton | W&N Artists' Retouching Varnish (Aerosol) | 1 |
| Winsor & Newton | W&N Artists' Workable Fixative (Aerosol) | 1 |
| Winsor & Newton | W&N Conserv Art Matt Varnish | 1 |
| Winsor & Newton | W&N General Purpose Matt Varnish (Aerosol) | 1 |
| Winsor & Newton | W&N Ox Gall Liquid | 1 |
| Winsor & Newton | W&N Professional Matt Varnish (Aerosol) | 1 |
| Winsor & Newton | W&N Professional Retouching Varnish | 1 |
| Winsor & Newton | Winsor & Newton Art Masking Fluid | 1 |
| Winsor & Newton | Winsor & Newton Artists' Gloss Varnish | 1 |

*Some products in this line bear the AP Seal.

| Preparation, process, and finishing materials, cont'd | | |
|--------------------------------------------------------------|----------------------------------------------------------|---|
| Winsor & Newton | Winsor & Newton Artists' Matt Varnish | 1 |
| Winsor & Newton | Winsor & Newton Artists' Painting Medium | 1 |
| Winsor & Newton | Winsor & Newton Artists' Picture Varnish Gloss (Aerosol) | 1 |
| Winsor & Newton | Winsor & Newton Artists' Picture Varnish Matt (Aerosol) | 1 |
| Winsor & Newton | Winsor & Newton Artists' Picture Varnish Satin (Aerosol) | 1 |
| Winsor & Newton | Winsor & Newton Artists' Satin Varnish | 1 |
| Winsor & Newton | Winsor & Newton Blending & Glazing Medium | 1 |
| Winsor & Newton | Winsor & Newton Colourless Art Masking Fluid | 1 |
| Winsor & Newton | Winsor & Newton Dammar Varnish (Aerosol) | 1 |
| Winsor & Newton | Winsor & Newton Dammar Varnish (Liquid) | 1 |
| Winsor & Newton | Winsor & Newton Liquin Fine Detail | 1 |
| Winsor & Newton | Winsor & Newton Liquin Flow Improver | 1 |
| Winsor & Newton | Winsor & Newton Liquin Impasto | 1 |
| Winsor & Newton | Winsor & Newton Liquin Light Gel | 1 |
| Winsor & Newton | Winsor & Newton Liquin Matt Medium | 1 |
| Winsor & Newton | Winsor & Newton Liquin Original | 1 |
| Winsor & Newton | Winsor & Newton Oil Painting Primer | 1 |
| Winsor & Newton | Winsor & Newton Super Matt Varnish | 1 |