

Mission Valley ROP

Joint
Powers



Agreement

JOINT POWERS AGREEMENT

1. Original Agreement between Fremont Unified School District and Newark Unified School District (6/5/89)
2. Preamble/Addendum adding New Haven Unified School District to the Joint Powers Agreement (1/3/91)
3. Language changed to Section 4, Page 4 removing district superintendents from the board (5/11/95)
4. Language change in Joint Powers Agreement for weighted vote (1/24/02)

X Information
X Action

**MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM
BOARD OF EDUCATION**

AGENDA ITEM

Date of Board Meeting: January 24, 2002

TITLE: Language change in Joint Powers Agreement
For weighted vote

Background:

The language for the Joint Powers Agreement reflecting the weighted vote was agendized at both the November and December meetings. Newark Unified School District alternate member requested the inclusion of the words "at least" in reference to the positive vote issue.

Current Status:

Board members discussed the change to the language for the weighted vote and agreed to the suggestion made to the language by Newark Unified School District.

Recommendation:

Board is requested to give final approval of the 2^d reading of the language for the Joint Powers Agreement reflecting the weighted vote.

Charles Brown
Staff Contact

Administrative
Division

Charles Brown
Superintendent, Mission Valley
ROP

25 F. Voting: A majority of the Council shall constitute a quorum for the
26 transaction of business. A positive vote shall consist of aye votes on the
part of at least two districts whose combined ROP average daily attendance
3 (ADA) equals at least a majority of the ADA of the ROP. Each
4 member shall have a vote weighted annually according to the prior year
5 amended annual ROP average daily attendance of their district. A
6 majority vote rule shall apply.

1st Reading Approval: November 15, 2001
2nd Reading approval: January 24, 2002

Information
 X Action
 Presentation

**MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM
BOARD OF EDUCATION**

A G E N D A I T E M

DATE OF BOARD MEETING: May 11, 1995
TITLE: Adopt Resolution #34-9495
 Revise Joint Powers Agreement

Background: Mission Valley ROP operates under a Joint Powers Agreement which states that it shall be governed by a Council consisting of one board member from each of the districts that is party to this agreement and the Superintendent from each of the participating districts.

Current Status: A question has come up regarding legality of superintendents serving on the board. A letter was requested and received from the State Department of Education stating that having superintendents serve on our governing board is in violation of California Education Code 52301. Our legal counsel also issued an opinion.

Recommendation: Delete lines 6 and 7 from Section 4, Page 4 of the Joint Powers Agreement stating the Board of Trustees will include the superintendent from each participating district. The language for the make up of Mission Valley ROP Board of Trustees will read as attached.

Ed King, 657-1865
Staff Contact Person

ROP Center Administration
Department Division

Ed King
Superintendent

REVISION TO JOINT POWERS AGREEMENT
Section 4, Item 4

BOARD OF TRUSTEES:

The Regional Occupational Center/Program shall be governed by a Council consisting of one board member from each of the districts that is party to this agreement. The board of trustees of each district participating in this agreement shall appoint one (1) of its members to serve as a member of the Governing Council of the Regional Occupational Center/Program (hereinafter referred to as "Council"). Such person shall serve at the pleasure of the school district board appointing such member.

JOINT EXERCISE OF POWERS AGREEMENT

FOR A REGIONAL OCCUPATIONAL PROGRAM AND AGENCY

This Agreement is made and entered into this 26th day of June, 1989, by and between the Fremont Unified School District of Alameda County, State of California, hereinafter referred to as "Fremont" and the Newark Unified School District of Alameda County, State of California, hereinafter referred to as "Newark," pursuant to the provisions of Title 1, Division 7, Chapter 5, Article I (Section 6500 et seq.) of the Government Code, relating to the joint exercise of powers, and Section 52300 et seq. of the Education Code relating to Regional Occupational Center/Programs. The foregoing parties are referred to collectively herein as "member districts," or as "parties."

WITNESSETH:

WHEREAS, it is to the mutual benefit of the parties herein subscribed and in the best public interest of said parties to join together to establish this Joint Powers Agreement to accomplish the purposes hereinafter set forth; and WHEREAS, the parties hereto entered into a Joint Exercise of Powers Agreement for a Regional Occupational Program on June 10, 1969, which was thereafter modified by a Rider on April 12, 1977, and a revision on May 17, 1988, and the parties hereto desire by this Agreement to rescind said Joint Exercise of Powers Agreement, Rider and Revision; and WHEREAS, the parties hereto intend to create and establish a public entity separate from the parties to this Agreement to be known as the "Mission Valley Regional Occupational Center/Program;" and WHEREAS, the member districts participating in this Joint Powers Agreement are legally authorized under Sections 52300 through 52331 of the Education Code to perform the responsibilities relative to vocational education hereinafter set forth; and

WHEREAS, in addition to the objective of carrying out the intent of the legislature as declared in Sections 52300-52331 of the Education Code it is the purpose of the parties to this Agreement to provide herein for the establishment of the Regional Occupational Center/Program providing the following training for:

- (a) Students residing in the participating districts in order to provide them with economically useful employment skills.
- (b) Persons who reside in a participating district and are not enrolled in a high school and will profit from the instruction.

WHEREAS, it is not the purpose of the Regional Occupational Center/Program to provide a separate high school of any kind; and in accordance with that policy, the Regional Occupational Center/Program shall provide occupational training in support and augmentation of programs offered by high schools, adult schools, or community colleges located within the participating districts. WHEREAS, the program will make occupational guidance and counseling information and services available to the participating school districts upon request; and WHEREAS, The Regional Occupational Center/Program shall not discriminate on the basis of race, color, national origin, ancestry, religion, creed, sex, age, or handicap in its recruitment, employment, dismissal, or enrollment, assignment, and evaluation in job training programs.

NOW, THEREFORE, in consideration of the mutual advantages to be derived there from and in consideration of the execution of this agreement each of the parties mutually agree as follows:

1. **PURPOSE OF THE PROGRAM:** It shall be the purpose and responsibility of the Regional Occupational Program Governing Council exercising-administrative responsibility for this program to plan, implement, and service, with the participating school districts, the vocational needs of people and communities in the area comprising the Mission Valley Regional Occupational Center/Program.

2. **TERM OF AGREEMENT:** This agreement shall become effective and binding upon participating parties upon action of the school district boards as attested by signature of their duly represented agent on this Joint Powers Agreement and approval by the Alameda County Superintendent of Schools and the State Board of Education. This agreement shall continue in effect until terminated as provided herein. Additional agencies may enter into this agreement subject to approval and conditions as agreed upon by the requesting school district board, the Mission Valley Regional Occupational Center/Program Governing Council, each school district board then represented on the Mission Valley Regional Occupational Center/Program governing council, the Alameda County Superintendent of Schools and the

State Board of Education. In the event of a reorganization of one or more of the districts participating in this agreement, the successor-in-interest or successors-in-interest to the obligations of any such reorganized district shall be substituted as part or party to this agreement. Application of new parties must be made by the requesting districts on or before December 31. Addition of new parties to this agreement must be approved by the governing Council by June 1. For purposes of this agreement, the term "fiscal year" shall mean the period from July 1 to and including June 30 of the following year.

3. ESTABLISHMENT OF NAME AND PROGRAM: A separate joint powers entity shall be and is hereby created and shall hereinafter be designated as the Mission Valley Regional Occupational Center/Program (hereinafter referred to as "Regional Occupational Center/Program").

4. BOARD OF TRUSTEES: The regional Occupational Center/Program shall be governed by a Council consisting of one board member from each of the districts that is party to this agreement. The board of trustees of each district participating in this agreement shall appoint one (1) of its members to serve as a member of the Governing Council of the Regional Occupational Center/Program (hereinafter referred to as "Council"). Such person shall serve at the pleasure of the school district board appointing such member.

A. Term of Office: The normal term of office for members serving on the Council shall be two (2) years. A member may be appointed for successive terms. Each school district board may use any board member as an alternate to act as a member of the Council during the absence of its regular member. In the event of a vacancy, the district school board having the appointment shall fill the vacancy for the remainder of the unexpired term.

B. Scope of Powers: The Council shall have the power and authority to exercise any power common to the districts which are parties to this agreement as contained in the recitals set forth above. The powers and authority of the Council shall continue until termination of this agreement. Pursuant to Section 6509 of the California Government Code, the exercise of the aforesaid powers of the Council shall be in accordance with the manner of, exercising such powers by a school district of California, except as otherwise provided in this agreement.

The Council shall enact and adopt appropriate rules or by-laws which are consistent with this Agreement for the orderly transaction of the business for the program.

C. Notices: The Governing Council, by resolution, shall designate a specific location at which it will receive notices, correspondence and other communications, and shall designate one of its members as an officer for the purpose of receiving service on behalf of the Council. The Council shall comply with the provisions of Section 53051 of the California Government

Code requiring the filing of a statement with the Secretary of State of California and with the County Clerk of Alameda County.

D. Meetings: The Council shall hold at least six (6) regular meetings each year, the hour, time, and place for each such regular-meeting shall be fixed annually by resolution of the Council, which resolution shall be publicly posted for two (2) weeks on a public bulletin board to be designated by the Council. The Council may also hold special meetings. All meetings of this Council shall be called, held, and conducted in accordance with the terms and provisions of Title 5, Division 2, Part 1, Chapter 9 (Sections 54950 et seq.), of the California Government Code, or as said Chapter may be modified by subsequent legislation. Except as otherwise provided or permitted by law, all meetings of the Council shall be open and public. The Council shall keep or cause to be kept minutes of its meetings, and shall promptly transmit to the board of trustees of each of the parties hereto true and correct copies of the minutes of the meetings.

E. Officers and Employees: The Council shall annually elect a president and clerk in December of each year during the term of this Agreement. The Council shall appoint, and shall fix and pay the compensation of a chief executive officer to serve as the Superintendent who shall not become a member of the Council. Pursuant to Government Code Section 6505.1, the Chief Executive Officer is hereby designated as the person who has charge of all property of the Regional Occupational Center/Program. The parties hereby direct that the Chief Executive Officer shall file and maintain an official bond in an amount not less than \$500,000.00. Said Bond is to cover the Chief Executive Officer and persons designated by the Chief Executive Officer as being his/her subordinates who handle or have access to money and property of the program. The cost of said Bond is a charge against Program funds. The treasurer of the Council and the auditor-controller of said Council shall be the Ass't. Superintendent, Business, and Director of Fiscal Services, respectively, of the Fremont Unified School District (referred to herein as the fiscal agent).

An executed copy of this agreement shall be furnished to said officials. They shall perform the duties specified in Government Code Sections 6506 and 6505.5 and all other duties required by law and this agreement. The Council may appoint other officers or employees, and employ or retain the services of other organizations or individuals as it may deem necessary or appropriate, and fix and pay their compensation. Employees and officers of the Council shall not be deemed to be employees or officers of any party to this agreement. No instruction shall be given in a regional occupational center or program maintained hereunder except by a qualified teacher holding a certificate issued pursuant to law.

F. Voting: A majority of the Council shall constitute a quorum for the transaction of business.

G. Fiscal Duties and Responsibilities:

(1) Handling Funds:

The Council shall have the power and authority to receive, accept, and expend or disburse funds by contract or otherwise, for purposes consistent with the provisions of this agreement and shall maintain at all times a complete and accurate system of accounting for said funds. All expenditures of funds shall be authorized by the Council. The Council shall contract with Fremont Unified School District to act as fiscal officer, maintain the accounting program, and to provide services as to payroll, transportation of pupils and other functions.

(2) Budget

The Council shall annually, on or before June 1, adopt a tentative budget showing each of the purposes for which the Regional Occupational Center/Program will need money and the estimated amount of money needed for each purpose for the ensuing fiscal year commencing July 1. A copy of the tentative budget shall be transmitted to each member district on or before June 1. The Regional Occupational Center/Program tentative publication and final adopted budget shall be made, filed, and adopted in accordance Education Code Sections 42120 and 42127. The Council may budget and accumulate amounts necessary to meet the cash flow needs and the long-term program needs of the Regional Occupational Center/Program. Appropriations and distributions by the Council from these reserves shall be made consistent with the provisions of Education Code Section 52321.

(3) Funding:

The County Superintendent of Schools and the County Auditor or the fiscal agent school district are hereby authorized to arrange for or transfer funds from each participating District to the Regional Occupational Center/Program fund. The amount of funds to be transferred for average daily attendance shall be equal to the base revenue limit per unit of average daily attendance generated by students from participating Districts attending the Regional Occupational Center/Program as outlined under provisions of the California Education Code Sections 52314-52317 and 52321. Each participating District shall make monthly transfers for the first seven months of each fiscal year to the Regional Occupational Center/Program fund based on prior year's second period Apportionment Report (average daily attendance) at the Regional Occupational Center/Program. Adjustments shall be made after the ensuing first period Apportionment Report for prior fiscal year based on the actual second period Apportionment for the current year. The amounts transferred shall be governed by the statutes of the State of California which are in effect at the time of the transfer. The amount to be so transferred should be based upon certification by the Regional Occupational Center/Program of average daily attendance to the individual participating Districts, and the County Superintendent of Schools for attendance purposes.

(4) Contributions:

Without in any way limiting the powers otherwise provided for in this agreement or by statute the Council shall have the power and authority to receive,

accept, and utilize the services of personnel offered by any of the parties to this agreement, or their authorized representatives or agents; to receive, accept, and utilize property, real or personal, from any of the parties to this agreement, or their authorized agents or representatives; and to receive, hold, dispose of, to construct, operate and maintain buildings and other improvements which may be provided by any member district; and to receive, accept, expend and disburse funds by contract or otherwise, for purposes consistent with the provisions of this agreement which may be provided by any of the parties to this agreement, or their authorized agents or representatives.

(5) Additional District Support:

If additional monies are needed beyond the base revenue limit, the Council shall certify to each participating District the amount of additional support money required to meet the anticipated costs of the education of students attending the Regional Occupational Center/Program. If additional support money is approved by a participating component school district(s), the participating school district(s) may authorize the transfer and necessary funds payment of additional money to the Council. Such additional support money to Regional Occupational Center/Program may be, as determined by the district(s), a loan or an advance to be repaid.

(6) Debts and Liabilities:

The Council shall exercise no authority to incur any obligations or debts in excess of the funds which are appropriated to its use for the purpose of this program. Debts, liabilities and obligations of the Council or Regional Occupational Center/Program shall not be debts, liabilities or obligations of the member districts unless the member district has authorized or consented to the same by an appropriately adopted resolution.

(7) Audit:

The fiscal transactions of the Regional Occupational Center/Program shall be audited annually by a firm of licensed certified public accountants to be selected by the Council. Any costs of the audit, including contracts with, or employment, of certified public accountants in the making of such audit shall be borne by the Regional Occupational Center/Program.

H. Admission of Pupils to ROC/P:

In the event the Regional Occupational Center/Program is unable to accommodate all of the applicants for enrollment meeting the eligibility thereof, applications shall be accepted in

such a manner that each participating district shall be entitled to have persons residing in such districts, who are eligible for admission, to be enrolled in the Regional Occupational Center/Program in the same ratio as the prior year official October Report enrollment of 10th and 11th grade students of each school district bears to the total of all districts participating in this agreement.

I. Expansion:

In the event of inclusion of additional parties to this agreement, said parties shall join for not less than three years and said parties shall make application to the Council by December 31 of the current fiscal year.

J. Withdrawal:

Any party to the agreement may withdraw from its status as a party to this agreement at the end of any fiscal year, provided that at such time said party has either discharged, or has arranged for, to the satisfaction of the remaining members of the Council, the discharge of any pending obligations it has assumed hereunder, and further provided that written notice of intention to so withdraw has been served upon the Council no later than December 31 of that fiscal year. The inclusion of additional parties to this agreement or the withdrawal of some, but not all, of the parties to this agreement shall not be deemed a dissolution of this program nor a termination of this agreement.

K. Disposition of Property and Funds:

In the event of the dissolution of this Regional Occupational Center/Program, the complete rescission or other final termination of this agreement by all Districts then a party hereto, any property interest remaining in the Regional Occupational Center/Program following a discharge of obligations, shall be disposed of as the Council shall then determine with the objective of returning to the district or other agency which is then or was theretofore a party to this agreement a proportionate share of any remaining obligations should they exist. Such disposition shall follow to the extent possible the provision set forth below for the withdrawing district(s).

In the event a district withdraws from this Agreement, all obligations between the withdrawing district and the Regional Occupational Center/Program shall be discharged through a transfer to the withdrawing district of real and/or personal property and/or funds equal to the withdrawing district's prorata share of the total tangible assets of the Regional Occupational Center/Program no later than one year following the effective date of withdrawal. The Council shall have the right to purchase any or all of the withdrawing district's prorata share of the total tangible assets of the Council excepting permanent improvements made upon real property of the withdrawing district, for an amount equal to the value which otherwise would be credited to the withdrawing district upon withdrawal.

L. Assets: The total tangible assets of the Regional Occupational Center/Program are permanent buildings, relocatable buildings, administrative and instructional equipment, cash in bank, advance ADA, and monies earned but not received from the Districts. The California School Accounting Manual shall be used to determine the category for particular assets. The prorata determination of tangible assets defined as permanent buildings, relocatable buildings, and administrative and instructional equipment and monies shall be based on the percentage of total generated ADA of the withdrawing district in relation to the total generated ADA of all Districts a party hereto from the date they became a participating district in this organization until the last day of the last fiscal year of participation by the withdrawing district.

M. Amendments:

This agreement may be amended by two-thirds $\frac{2}{3}$ vote of the Council. The effective date of any amendment will be the first of the month following the adoption unless otherwise stated provided that any amendment is to further carry out the purpose of legislation applicable to such a Regional Occupational Center/Program.

N. Severability:

Should any portion, term, condition, or provision of this agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, and provisions shall not be affected thereby.

PHILOSOPHY — 0000 SERIES

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PHILOSOPHY

Revision
BP 0100

The Mission Valley Regional Occupational Program Governing Council, representing the people (students and adults of the Fremont Unified School District, Newark Unified School District, and New Haven Unified School District) hereby recognizes that it shares with the aforementioned districts the responsibility of providing educational opportunities to every individual to the end:

that every student can and will learn,

that every student leaving school shall be prepared to enter the world of work,

that every student who graduates has sufficient marketable skills for legitimate remunerative employment, and

that every qualified and eligible adult citizen should be afforded an educational opportunity to become suitably employed in some remunerative field of employment.

The first priority of the Regional Occupational Program is to concentrate its resources and services toward the high school age youth of the districts to be served. As a secondary effort, the Regional Occupational Program will give consideration to the occupational requirements of the adult residents of the participating districts.

First Reading: 5/25/00
Second Reading: 6/22/00
Adopted: 6/22/00

The Mission Valley Regional Occupational Program Governing Council, representing the people (students and adults of the Fremont Unified School District and Newark Unified School District) hereby recognizes that it shares with the aforementioned districts the responsibility of providing educational opportunities to every individual to the end:

that every student can and will learn,

that every student leaving school shall be prepared to enter the world of work,

that every student who graduates has sufficient marketable skills for legitimate remunerative employment, and

that every qualified and eligible adult citizen should be afforded an educational opportunity to become suitably employed in some remunerative field of employment.

The first priority of the Regional Occupational Program is to concentrate its resources and services toward the high school age youth of the districts to be served. As a secondary effort, the Regional Occupational Program will give consideration to the occupational requirements of the adult residents of the participating districts.

First Reading:	7/25/89
Second Reading:	8/8/90
Adopted:	8/8/90

Mission Statement

BP0105

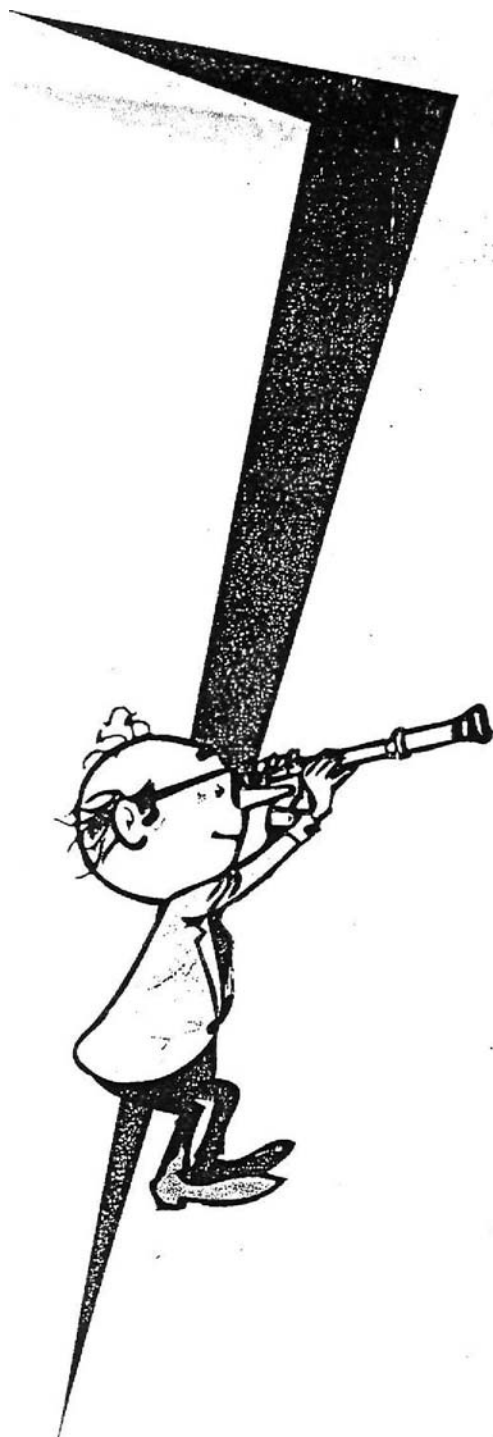
Our Vision...

Mission Valley ROP serves high school and adult students by providing quality and cost-effective career preparation. Mission Valley ROP offers state of the art classroom instruction, internship experiences, and leadership development resulting in employment, career advancement, and preparation for postsecondary training.

1st Reading: 3/19/03
2nd Reading: 4/16/03
Adopted: 4/16/03

Mission Statement *Our Vision*

Mission Valley ROP serves high school and adult students by providing quality and cost-effective career preparation. Mission Valley ROP offers state of the art classroom instruction, internship experiences, and leadership development resulting in employment, career advancement, and preparation for postsecondary training.



Mission Statement

BP 0105

The Mission Valley Regional Occupational Program is committed to providing guidance services and quality vocational education to high school students and adults. We will prepare students to enter the work force with a positive work ethic and with the ability to perform technical job skills, to think critically, and to contribute to society in a positive way. We will continue to provide diverse, cost-effective, high-quality vocational education programs that meet the needs of the population in our growing and technologically changing economy. Our students will have a productive, successful future, and they will be valued for their contributions.

1st Reading:	7/25/89
2nd Reading:	8/8/90
Adopted:	8/8/89

Operational Principles

BP 0110

Mission Valley Regional Occupational Center/Program operates under the following principles which are in accord with the philosophy of the Governing Council and of the State of California Education Code.

The Mission Valley Regional Occupational Center/Program will:

- provide a wider variety of specialized job-entry level skill training that will serve a larger number of students than could be provided adequately by a single district.
- provide enrollees the opportunity to obtain at least one saleable entry-level skill, enabling them to become and remain economically productive members of society.
- provide each individual student occupational and career guidance directly supportive to the training program.
- provide enrollees entry-level occupational training which will provide a base for advanced training in the same field.
- provide enrollees, when feasible, on-the-job training experiences that will augment their basic high school education.
- provide for the upgrading of vocational skills, knowledge and attitudes, and for retraining, where necessary.
- encourage better relations and improved communications between the business, industry, and education communities.
- cooperate in articulation between the various occupational delivery systems in the region served.
- expand, modify, or delete skill training in response to changing occupational fields.
- investigate and utilize various sources of financial support in order to expand programs and services.
- develop, with broad-based input, annual goals and objectives which are reviewed and assessed on a timely basis.
- provide for continuous evaluation of the entire program

1st Reading:	7/25/89
2nd Reading:	8/8/90
Adopted:	8/8/90

GOALS

BP 0200

It is the responsibility of the Mission Valley ROP/C to provide the best vocational-technical education learning environment possible, consistent with the ROC/P's ability to provide materials, services, support systems, learning tools and facilities for students.

Each student will:

- Explore, evaluate, and prepare for careers.
- Develop a strong work ethic and employability skills that are necessary for a successful career.
- Reinforce basic academic skills by applying them to hands-on learning situations.
- Learn methods of critical, creative, and independent learning within all ROC/P programs.
- Grow in the ability to express thoughts clearly; to speak, read, write, listen with understanding, and relate well to others.
- Understand the impact of rapidly changing technologies and the need for workers to constantly upgrade skills.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

(BP0200)

The Governing Council of the Mission Valley Regional Occupational Center/Program does hereby declare the following:

"Mission Valley Regional Occupational Center/Program does not discriminate on the basis of race, color, national origin, ancestry, religion, creed, sex, age, or handicap in its recruitment, employment, and dismissal, or enrollment, assignment, and evaluation in job training programs."

1st Reading:	7/25/89
2nd Reading:	8/8/90
Adopted:	8/8/90

COMMUNITY RELATIONS — 1000 SERIES

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The Governing Council recognizes that the local communities served by the ROC/P help to determine the number of training programs available and the quality of the educational process in general. Therefore, it is imperative that members of the community work with ROC/P staff in developing and implementing programs and establishing an effective evaluation process for those programs.

The ROC/Ps relations with the community cannot merely be described as a process of reporting and interpreting, but rather can be characterized as a partnership in pursuit of excellence. All partners perform their respective roles in the best interest of the entire program, and most importantly, the students.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

The Governing Council shall attempt to:

- a. Keep themselves and the public informed regarding the policies, administration, operation, objectives, and successes or failures of the ROC/P.
- b. Provide the means for furnishing full and accurate information, favorable and unfavorable, together with interpretation and explanation of the ROC/P plans and programs.
- c. Attempt to establish harmonious channels of communications with the public.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Printed Materials

BP 1120

The administration shall be responsible for all printed materials disseminated for public information.

News Releases

Releases to newspapers and other news media shall have been cleared with or submitted through the Superintendent's office.

Caution should be exercised relative to statements for public consumption. They shall be consistent with board policy and administrative procedures.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Distribution of Printed Materials

BP 1121

No written material shall be distributed, offered for distribution or shown to the students of the Mission Valley ROC/P without permission of the Superintendent or his designated representative.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Regular and Special Meetings

BP 1130

Announcement of the date, time, and place of all regular and special meetings of the Mission Valley Regional Occupational Center/Program Governing Council and the major topics to be discussed thereat shall be made 72-hours in advance, whenever practicable, by posting the agenda and supporting documentation at the ROC/P office and on the MVROP website. It shall be the duty of the Superintendent to supervise the execution of this policy.

All regular meetings of the Governing Council shall be established at their re-organizational meeting held in January of each year.

Special and adjourned meetings can be called by the chairperson. Agendas shall be posted for these meetings twenty-four (24) hours in advance. All agendas shall be posted at the ROC/P office and the MVROP website, with a request to post Special Meeting agendas on the three district web sites.

The agenda shall provide members of the public the opportunity to address the Governing Council on any agenda item prior to the Governing Council's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at the regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Governing Council. (Education Code 35145.5, Government Code 54954.3).

Individuals or groups of citizens wishing to make a public comment to the Governing Council or initiate an item for the agenda may do so within the following framework:

Public Comment

Any individual or group may address the Governing Council concerning any subject that lies within the Governing Council's jurisdictional authority. Those citizens wishing to make public comment on items on the agenda shall file a written request with the Superintendent's Administrative Assistant using a blue speaker card prior to the discussion of the agenda item. Individuals who wish to make a public comment on items not on the agenda shall file a written request using a green speaker card prior to the Public Comment section of the agenda. The written request shall include:

1. Name, address, and telephone number of person or persons wishing to speak.
2. Name of organization or group represented.
3. Statement of topic to be discussed.

Three (3) minutes may be allotted to each speaker, with a maximum of thirty (30) minutes public comment. The Board President or designee at his/her discretion may modify the time limit as appropriate.

First Reading: August 8, 1990
Second Reading: November 6, 1990

Revised First Reading:	February 21, 2007
Revised Second Reading:	March 21, 2007
Revised Third Reading:	April 18, 2007
Adopted:	April 18, 2007

Procedures for Public Comment

AR 1130

The Governing Council respects the right of the public to comment on all matters within the jurisdictional authority of the Board; therefore, the following procedures shall be followed with regard to public comment:

1. A person wishing to be heard shall first be recognized by the president or designee and shall then proceed to comment as briefly as the subject permits. Citizens may speak on any item under discussion by the Governing Council in accordance with the order of discussion. When addressing the Board, each person will walk to the rostrum located directly in front of the Board. After receiving recognition from the Board President or designee, each person will state his/her name and school attendance area. To enable all who wish to address the Board time to do so, a three (3) minute limit is assigned to each speaker. The Board President or designee at his/her discretion may modify the time limit as appropriate. Further, if there are more speakers than time, the Board President or designee may allocate less than three (3) minutes per speaker, or allow a group a specified time limit.
2. When addressing the Board, please do the following: (a) fill out a color-coded speaker card located near the rostrum — blue card is for items on the agenda and green card is for items not on the agenda; (b) give it to the Superintendent's Administrative Assistant; (c) when your name is called, walk to the rostrum located directly in front of the Board; (d) after receiving recognition from the Board President, please state your name and address.
3. Anyone who disrupts, disturbs, or otherwise impedes the orderly conduct of a Board meeting will be ordered to stop such conduct at once. If the disruptive conduct does not stop immediately, the individual will, at the discretion of the presiding officer or majority of the Board, be removed from the Board meeting. "Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than two hundred fifty dollars (\$250)." (Education Code 32210)

First Reading:	February 21, 2007
Second Reading:	March 21, 2007
Third Reading:	April 18, 2007
Adopted:	April 18, 2007

Complaints Concerning the ROC/P and ROC/P Personnel

BP 1312

Constructive criticism of the ROC/P is welcome when motivated by a desire to improve the quality of the educational program and to assist the ROC/P in performing its task more effectively.

The Governing Council encourages the resolution of all complaints at the earliest possible stage in the most effective manner. All complaints whether of the program or a staff member shall be submitted in accordance with regulations developed by the Superintendent. In so doing, all complaints will be assured of receiving appropriate review and consideration.

The Governing Council places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or negative criticism and complaints.

It is cautioned that in no way will an instructor or other staff member endure insults or abusive treatment from any person pertaining to any complaint. Such persons will be subject to misdemeanor penalties prescribed by law.

ROC/P employees who are sued as a consequence of performing their assigned duties shall be provided full legal service unless they have violated ROC/P policy, regulation, or instructions.

The Governing Council shall annually review policies and regulations for complaints regarding ROC/P personnel.

Legal Reference:	Education Code
	35146 Closed sessions
	35160.5 Requirement of school district policies: parental complaints regarding employees
	35203 Duty of district attorney to defend certain cases
	35204 Contract with attorney in private practice
	44811 Upbraiding, insulting, and abusing teachers
	44812 Insulting and abusing teachers
44932-44949	Resignation, dismissal, and leaves of absence (rights of employee; procedure to follow)
56500 et seq.	Procedural safeguards: special education programs

Government Code

950 et seq. Actions against public employees
54957 et seq. Closed sessions

Administrative Code, Title 5

3940-3953 Complaint procedures: categorical
aid programs

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

Complaints to the Governing Council

AR 1312

Whenever a complaint is made directly to the Governing Council as a whole or to an individual Council member, it shall be referred to the Superintendent for study and possible solutions.

Complaints Concerning Personnel

Complaints concerning ROC/P personnel should be made directly by the complainant to the person against whom the complaint is lodged. If the complaint is not resolved at this level, the complainant is requested to put the complaint in writing and to direct it to the employee's supervisor. If the complaint, after review by the supervisor, remains unresolved, the supervisor shall refer the written complaint, together with the supervisor's report and analysis of the situation, to the Superintendent. The Superintendent's decision shall be final unless the complainant, the employee, or the Superintendent requests a closed hearing before the Governing Council. If the employee so requests, an open hearing will be held.

Every effort should be made to resolve the complaint at the earliest possible stage.

The ROC/P will consider the complaint dropped if the complainant fails to put it in writing.

Hearing

No hearing, either open or closed, will be held by the Board on any complaint unless the Council has received the Superintendent's written report concerning the complaint. The Superintendent's report shall contain, but not be limited to:

1. The name of each employee involved.
2. A brief, but specific, summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
3. A copy of the signed original of the complaint itself.
4. A summary of the action taken by the Superintendent, with his/her specific finding that disposition of the case at the Superintendent's level has not been possible, and the reasons why.

The ROC/P administration shall cooperate with the complainant and aid in the preparation of any formal complaint so as to quickly meet the informational requirements of these rules. The decision of the Governing Council following the hearing shall be final.

1st Reading: 8/8/90

2nd Reading: 11/6/90

Adopted: 11/6/90

Gifts to School Personnel

BP 1313

Employees should reject any gifts that are intended to encourage the employee to grant the donor special consideration.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Soliciting Funds From Students

BP 1324

Requests or solicitations of students for funds, materials, or services for organizations not under direct control of the school authorities shall not be permitted. (E.C. 51520, 51521)

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Use of School Facilities

BP 1330

It is desirable that community use be made of ROC/P facilities when such does not infringe upon the educational program. Encouragement is given to the fullest reasonable utilization of these facilities. In addition to providing a service to community organizations, it makes possible the better integration of the ROC/P and the community.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Relations Between Other Governmental Agencies and Schools

BP 1400

The Governing Council, as an independent body, has no statutory relationship to other local governmental bodies. It will at all times cooperate with other governing agencies, but in matters affecting the budgets of the several agencies, it will neither seek special consideration nor assume costs that properly fall outside its jurisdiction. Complete autonomy will be maintained at all times.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Institutional Memberships

BP 1500

In order to support and encourage research, publication, and professional activities in the field of education, the ROC/P will take institutional memberships in selected professional organizations, as permitted under the Education Code with Council approval.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

ADMINISTRATION — 2000 SERIES

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ADMINISTRATION

Concepts and Roles in Administration

Preamble

The Superintendent is responsible for directing and coordinating the administrative staff in implementing the philosophy and operational principles adopted by the Governing Council within the guidelines established by council policy and law.

To demonstrate leadership and resolve the problems and obstacles which may arise both inside the ROC/P and its relations with the community, the Governing Council expects the administration to be competent in:

1. The process of decision-making and communication.
2. Planning, organizing, implementing, and evaluating.
3. Coordinating and guiding the various elements within the ROC/P and community in order to improve the quality of the program.

The Superintendent is encouraged to conduct the operations of the ROC/P according to the management team concept.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Chief Administrative Officer

The Superintendent shall be responsible only to the Governing Board and shall have administrative and supervisory authority over all other employees of the ROC/P. He/She should hold at least a Master's degree and a valid California Administrative or Supervision credential.

Appointment

The Governing Council shall appoint the Superintendent for a term not to exceed four years.

If at any time, in the opinion of a majority of the Board, his/her services are unsatisfactory, he/she shall be notified and given an opportunity to correct the condition.

Responsibilities

The Superintendent shall serve as the chief executive officer of the Governing Council and shall be charged with the responsibility of implementing the policies of the Council. He/She shall prepare the agenda for each meeting of the Council, shall attend all meetings, unless excused by the President, shall be Secretary to the Council, shall be responsible for the minutes, and shall participate in all deliberations of the Council when such deliberations do not involve the terms of his/her employment.

He/She shall:

- a. provide overall leadership for the educational program and operation of the ROC/P and present to the Council and to the staff such plans for education in the ROC/P as will, in his/her opinion, serve to improve the total educational program under his/her supervision;
- b. administer the ROC/P in conformity with the adopted policies of the Council, the rules and regulations of the State Board of Education, the State Department of Education, and in accordance with state law;
- c. develop administrative principles and procedures for implementing Council policies originating from the Council;
- d. recommend employees for appointment, demotion, transfer, dismissal, and promotion in accordance with the policies of the Council;

- e. assign instructional and non-instructional personnel with approval of the Council and hold them responsible for the efficient fulfillment of their assignments;
- f. belong to such civic, service, social, and other organizations as are feasible, acting in such a manner as will provide a favorable image of the ROC/P and its personnel.
- g. prepare and submit to the Council for approval the courses of study and curricula to be offered in the ROC/P;
- h. select and recommend for adoption all textbooks and supplementary materials;
- i. submit to the Council at least 60 days before the end of the fiscal year, an estimate of the receipts and expenditures for the ensuing year;
- j. employ or authorize the employment of all non-teaching personnel as provided in the annual budget of the ROC/P or as approved by the Council;
- k. submit financial and other reports to the ROC/P to keep it informed of the current status of the ROC/P's fiscal and other affairs;
- l. with the ROC/P staff, develop recommendations to the Council for the improvement of the ROC/P and the instructional program;
- m. determine the need for additional facilities, recommend to the Council plans for meeting the need and work with architects selected by the Council in planning the additional facilities required;
- n. within the limits of funds budgeted for this purpose, attend at the expense of the ROC/P, professional meetings of state and national scope, and provide for attendance of other members of the ROC/P staff for the purpose of keeping informed of current progress in education to ensure that the ROC/P shall be kept abreast of the times;
- o. be responsible for the planning, developing, and implementing the public information program of the ROC/P;
- p. perform such other duties as the Council may determine;

- q. provide for inservice training of all ROC/P personnel, certificated, and classified;
- r. report to the Council, verbally or in writing, at such times as it may seem fit or when the Council may require, the condition and progress of the ROC/P.
- s. forms advisory committees to aid in formulating policies and procedures for carrying out the work of the ROC/P.
- t. delegate to subordinates any of the powers and duties of the Superintendent which may be delegated, provided that the Superintendent shall retain responsibility for any functions so delegated.

Superintendent as Representative in Signing Federal Documents

The Superintendent shall be the authorized representative of the ROC/P in signing necessary federal documents, unless otherwise authorized by the Council.

Representative to Accept Surplus Properties

The Superintendent shall recommend the persons authorized to accept surplus properties.

Determination of Work Year of Administrative Staff

The work year of the administrative staff shall be determined by the ROC/P Superintendent. It shall be understood that all administrative personnel have year-round responsibilities and are subject to call at any time by the Superintendent.

Supervision Exercised or Received

- a. directly responsible to the Mission Valley Regional

Occupational Center/Program Governing Council

Legal Reference: Education Code 35034
 Education Code 35035

Superintendent of Schools in certain unified districts
Additional powers and duties of superintendent

First Reading: 2/18/97
 Second Reading: 2/27/97
 Adopted: 2/27/97

Administrative Staff Organization

BP 2110

The Superintendent shall organize the staff of the ROC/P in a manner best suited to achieve its purposes. The Governing Council prefers a structure which establishes the Superintendent as a unitary executive responsible to the Governing Council, with lines of primary responsibility for all other employees clearly identified. There should, in addition, be provision for representative and deliberative groups of employees, students, and community whose functions, in the main, shall be to assist 1) in problem identification and solution, and 2) in evaluation of goal achievement.

Legal Reference:

Education Codes

35014	Adoption of rules by governing board
35020	Duties of employees fixed by governing council
35034	District superintendent of certain unified school districts
35035	Additional powers and duties of superintendents

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

Administration

BP 2120

Organization Chart (s)

The administrative organization of the ROC/P shall be considered as an orderly means of achieving the ROC/P's primary objectives, an effective program of instruction for students.

The general administrative organization of the ROC/P shall be known as the single executive type of school administration with the Governing Council as the governing body and with all activities under the direction of the superintendent.

Organization or function charts for the ROC/P shall be prepared by the superintendent and approved by the Governing Council to designate clearly the relationships of all employees within the ROC/P organization. The organization or function charts shall be kept up to date and changes shall be approved by the Governing Council.

Legal Reference:	Education Codes
	35015 Adoption of rules by governing boards
	35020 Duties of employees fixed by governing board
	35035 Powers and rules of superintendent

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

BUSINESS — 3000 SERIES

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The Governing Council recognizes that money and money management comprise the foundational support of the whole school program and that effective management of funds is a prime responsibility of the Governing Council. In order to effectively support the ROC/P, to protect the facilities and resources of the public, and to provide for the effective management of public funds, the Governing Council shall:

1. Encourage advanced planning through the best possible budget procedures.
2. Review and utilize all practical revenue sources available to the ROC/P.
3. Review proposed expenditure of funds so as to extract the greatest educational return and to provide for the management of all ROC/P funds in a manner which will effectively serve the interest of the public.
4. Expect efficient accounting and reporting procedures which are consistent with the obligation of any public agency and to provide the public with an accounting of the expenditure of their funds.
5. Maintain the highest level of unit expenditure needed to provide the best educational program within the resources available to the ROC/P.

First Reading: Second	8/8/90
Reading: Adopted:	11/6/90
	11/6/90

Governing Council

The Governing Council

1. approves and adopts the final budget.
2. provides for the establishment of necessary procedures to assure proper accounting of receipts, disbursements, and balances.
3. provides for an annual audit of all funds maintained by the ROC/P as required by law, including those of student organizations, special reserves, and all other funds under the supervision of the ROC/P.
4. authorizes expenditures of funds and approves payment of authorized purchases.
5. conducts all necessary financial operations in connection with all governmental agencies in regard to ROC/P buildings and ROC/P attendance.
6. seeks to accrue to the ROC/P all available revenue from all appropriate sources.
7. seeks to promote by State and Federal legislation the greatest financial support possible for the ROC/P.
8. requires and reviews reports of business transactions of the ROC/P and of the financial condition of the ROC/P.

Superintendent

With the staff, the Superintendent

1. prepares the annual budget and interprets it for the Governing Council.
2. administers the budget after it is adopted and maintains expenditures within its limits.
3. provides all possible economies that do not endanger the educational program goals and objectives of the ROC/P.
4. supervises the general business procedures of the ROC/P to secure the proper accounting of funds, supplies, and equipment.
5. seeks to secure materials, supplies, equipment, and facilities best suited to meet the educational needs of the ROC/P.

6. approves contracts to be entered into as authorized by the ROC/P Council or any person on behalf on the ROC/P, and acts as authorized agent of the ROC/P and the Council in contracts between the ROC/P and other governmental agencies.
7. is responsible for recommending an adequate program of insurance in all phases of ROC/p operation with regard to those prescribed by law.
8. makes appropriate reports to the Governing Council, assuring that the Council is fully advised as to the financial status of the ROC/P and all the implications of the financial aspects of ROC/P administration.

Working Relationships of Council and Superintendent

The Governing Council shall not delegate to employees the final power of budgeting, purchasing, and contracting.

1. To adhere to this requirement, the Council must be informed by the Superintendent and staff of all pertinent information prior to making decisions relating to the financial operations of the ROC/P.
2. The Governing Council encourages the Superintendent to shape, with the staff, the ROC/P financial program which offers the best attainable program of education in the ROC/P. The Council is to be informed whenever the curricular program is at odds with the financial ability of the ROC/P.
3. The Governing Council gives close scrutiny and due consideration to each and every financial operations of the ROC/P so that they may fully discharge their legal responsibilities in regard to finance.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Budget

BP 3100

The budget shall be the financial expression of the educational goals of the ROC/P; it shall be considered as a controlled spending plan for the prescribed fiscal year.

The ROC/P budget shall be made up annually from the best estimates that can be made from the individual program and administrative levels with appropriate consolidation of the estimates to the Superintendent and his administrative staff.

On or before a regular meeting in June of each year, the Superintendent will present to the Governing Council for informal consideration, preliminary estimates of the budgetary needs of the school system for the next fiscal year, to be referred to as the Preliminary Budget.

After the annual budget has been adopted by the Council, it shall be the responsibility of the Superintendent to see that all personnel adhere to this budget.

After approval, the budget shall be submitted to the County Superintendent of Schools on or before the dates indicated on the budget calendar developed by that office.

Legal Reference: Education Code
 35035 (b) Powers and Duties of Superintendent
 42120-42128 Budget Requirements

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

The preparation of the yearly budget shall be the responsibility of the Superintendent together with such other administrative personnel as he may delegate for the accumulation of data for final presentation. The needs of the educational program, expansion, maintenance, and operation of facilities shall be the base upon which the budget is determined. Once the base has been established, the administration and the Council shall make such modification of the budget in detail as may be required for the efficient operation of the ROC/P with available.

The preliminary budget report shall contain:

1. A summary of the proposed expenditures in the standard accounting classifications established by the California State Department of Education.
2. Information about the current status and trends of ROC/P characteristics, such as pupil enrollment, projected revenues and such other matters as relate to an understanding of the budget.
3. Brief explanations of significant increases and decreases from the preceding budget.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

The annual budget of the ROC/P is perhaps the most concise statement of the educational aims of the ROC/P because it expresses the service it plans to provide during the period covered by the budget. Because the responsibilities of a ROC/P are continuous over a long period of time, and because its educational aims are mostly attainable in a somewhat distant future, this budget preparation should be controlled to the optimum extent by policies that are compatible with the long range aims of the ROC/P.

The Superintendent shall determine the manner in which the annual ROC/P budget is to be compiled and issue instructions to the staff. The Superintendent shall also establish a time schedule for the preparation of the budget to be known as the "budget calendar."

The Superintendent shall present the budget documents to the Governing Council together with recommendations on the needs of the ROC/P considered in the light of the funds available.

Legal Reference: Education Code
 35035 (b) Powers and Duties of Superintendent
 42103 Public Hearings on Proposed Budget
 42120-42128 Budget Requirements

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

The budget shall be prepared by:

1. determining the needs of the educational program and supporting service in accordance with Council Policy,
2. ascertaining the costs of the educational programs and supporting services,
3. determining the financial resources available, and
4. presenting a balanced budget.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Budget as Spending Plan

BP 3150

A system of fiscal control shall be established to govern the administration of the budget and the expenditure of funds.

The Superintendent shall not permit expenditures of funds to exceed the major budget classification allowances against which the proposed expenditure is the proper charge. The Superintendent shall set up and operate budget controls for all programs and departments and administer the budget in conformity with legal requirements and the actions of the Governing Council.

The Superintendent shall check the legality of all expenditures and shall ascertain that all expenditures recommended for approval are legal expenditures.

Legal Reference: Education Code
 35035 (b), and (g) Powers and Duties of
 Superintendent

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

Annual Operating Funds

BP 3210

In accordance with California State Ed Code 52301 the ROC/P shall receive in annual operating funds from each of the participating school districts an amount per unit of average daily attendance equal to the revenue limit received by such districts for each unit of average daily attendance generated in the Regional Occupational Center or Program.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

Tuition

BP 3240

In accordance with provisions of the Education Code, the ROC/P operates within the framework of public education in the State of California, and no tuition shall be charged to high school students attending ROP courses.

First Reading:	8/8/90
Second Reading:	11/6/90
Adopted:	11/6/90

1. It shall be the policy of the Governing Council that no fees, deposits, or other charges not specifically authorized by law shall be charged students used in the educational program.
2. No parent-teacher organization or other interested group shall henceforth be requested to provide funds for materials, supplies, or services associated with the recognized school program. Governing Council policy does not prohibit the presentation of gifts, grants, or bequests to ROC/P by persons or groups.
3. Where a project is to be the property of the student, the amount of the charge for materials needed shall be established under the direction of the Governing Council.

Adult Students

1. Supplementary books used in classroom instruction shall be provided to adult students. Textbooks and supplies shall not be provided.

Legal Reference: Education Code
40011 Supplies furnished by district governing board
39527 Sale of Materials to Adult Pupils
California Admin. Code - Title 5 - Section 350

First Reading: 8/8/90
Second Reading: 11/6/90
Adopted: 11/6/90

Investing

BP3292

The Superintendent or designee may invest as permitted by law all or part of the special reserve fund of the district or any surplus moneys not required for immediate district operations. Such investments shall be limited to securities specified in Government Code 16430, 53601 and 53635.

The Governing Board recognizes that the Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, district investments must be made with skill, prudence and diligence, with the primary objective of safeguarding the principal of the funds and with the secondary objective of meeting the district's liquidity needs.

The Board recognizes the importance of overseeing investments made with district funds, including investments by the county treasurer of each participating district of Mission Valley Regional Occupational Program Joint Powers Agreement. As coordinated by the Alameda County Superintendent of Schools, the Board president shall participate with Board presidents of all school districts and community college districts in the county to select a representative to the county treasury oversight committee. The Superintendent or designee shall maintain ongoing communication with this representative and shall keep the Board well informed about the policies that guide the investment of these funds.

The Superintendent or designee shall annually provide to the Board and any oversight committee a statement of the district's investment policy. At a public meeting, the Board shall review this policy and discuss any changes to be made. In accordance with law and administrative regulations, the Superintendent or designee shall also provide the Board quarterly reports with specified components, including a statement of how the district portfolio compares with the district's investment policy.

Legal Reference:

Education Code

41001 Deposit of money in county treasury
41002 General fund deposits and exceptions
41015 Authorization of and limitation investment of district funds 41017
Deposit of miscellaneous receipts
41018 Disposition of money received

Government Code

16430 Eligible securities for investment of surplus moneys 27130-27137 County
treasury oversight committees
53600-53609 Investment of surplus
53630-53684 Deposit of funds, especially
53635 Local agency funds; deposit or investment
53646 Treasurer reports and statements of investment policy
53825.5 Investment term for funds designated for repayment of notes 53859.02
Borrowing by local agency

Civil Code

2261-2262 Obligations of trustees, investments

First Reading: 12/12/96

Second Reading: 1/23/97

Adopted: 1/23/97

Purchasing

BP3300

The superintendent shall develop procedures for the regulation of purchases by the ROP and for the efficient maintenance of all ROP finances and property. It is the intent of the Governing Council that all such activities be undertaken in accordance with good business practices and in strict observance of all applicable laws and regulations.

In implementing this policy, the Superintendent or other Council-authorized officer shall be authorized to purchase all supplies, materials, and equipment according to ROP policies and regulations. The authorized designee shall insure that all such purchases do not exceed the expenditure of funds in excess of the limits imposed by the Education Code and Public Contracts Code which require advertised bids and prior Board approval.

The Superintendent shall insure that the ordering procedure will, as far as possible, guarantee that goods and services purchased by the ROP will meet the needs of the person or department ordering them, yet will permit purchasing at the lowest possible cost to the ROP.

The ROP may, at its discretion and upon a case-by-case determination of the Board, purchase, lease, or contract for equipment and supplies through a public corporation without advertised bids to the extent permitted by state law.

Legal Reference (see next page)

Legal Reference:
Education Code

35010	Control of district by Board of Trustees of Board of Education
35035	Powers and duties of superintendent
35250	Duty to keep certain records and reports
35272	Educational and athletic materials
35276	Competitive bidding (permits determination by lot when identical bids are submitted)
39642	Purchase through public corporations without advertised bids
39643	Purchases through department of general services
39651	Purchase of materials and supplies without estimates or bids
39656	Delegation of powers to agents; liability of agents
39657	Delegation of authority to purchase supplies and equipment; limitations
39873	Purchase of perishable foodstuffs and seasonal commodities
40000	Purchase of supplies through county superintendent
40001	Purchase by district governing board
40002	Direct purchasing by district
40013	Advance payments for publications, postage, etc.
41010	Accounting System
41014	Requirement of budgetary accounting
42640 et. seq.	General provisions-orders, requisitions and warrants
42647	Drawing of warrants by district on county treasurer; form of warrant; application and approval
42650	Warrants for payment of expenses
42800-42806	Revolving cash fund
42810	Alternative revolving fund
42820	Prepayment funds
Government Code	
4331-4334	Preference for California-made materials
Public Contracts Code	
20111-20112	Notice calling for bids

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

1. Staff will make request for supplies, equipment and/or services, stating number of items needed, approximate cost per item and preferred vendor, if known. If future patronage of the vendor is anticipated during the remainder of the school year, this should be stated, and an Open Purchase Order will be processed for bookkeeping purposes by the Superintendent or his/her designate.
2. If an Open Purchase Order has been processed, staff will be notified of designated account number and should make the vendor aware of this number upon the placing of an order.
3. All invoices, packing slips and repair orders must be signed by authorized staff upon receipt. The staff member must sign with his or her complete name. Initials are not acceptable. Students are not permitted to purchase supplies or equipment.
4. If the staff member cannot obtain the necessary supplies or equipment in person, such items will be delivered to the Center as soon as possible, and the instructor will be notified of their receipt by the Superintendent or his/her designee.
5. Staff will prepare a purchase requisition with a description of the items needed and an estimated cost per item.
6. All requisitions shall be signed by the Superintendent or his/her designate.
7. All requisitions will be processed through the Fremont Unified School District for payment, using their procedures for issuing purchase orders.

In accordance with Education Code Sections 39640-39640.5 the following procedures will be followed in soliciting prices for work to be performed or supplies and/or equipment to be purchased:

1. If the cost of work to be done is over \$15,000 or if the cost of materials or supplies to be purchased is over \$21,000, the Council will publish once a week for two weeks a notice calling for bids.
2. If the cost of work to be done is between \$10,000 and \$14,999 or if the cost of materials or supplies to be purchased is between \$15,000 and \$20,999, the Council will take written estimates from three responsible bidders, without publishing the notice calling for bids.

3. If the cost of work to be done is less than \$10,000 or if the cost of materials or supplies to be purchased is less than \$15,000, neither bids nor written estimates are required. However, if, in the opinion of the Superintendent, legal advertising may result in better prices for the ROP, such advertising is authorized.

In order to expedite ROP business, the Superintendent is authorized to place legal notices soliciting prices for work to be performed or for supplies and/or equipment to be purchased which may be required by law or which may be in the best interest of the ROP.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

1. All vendor representatives shall have a hearing relative to their products. Subsequent visits shall be promptly acknowledged and interviews granted or not, depending upon the circumstances. Personnel shall not be required to put their time absolutely and indiscriminately at the disposal of all salespersons, however frequent, at whatever time, or on whatever mission they may be calling. The staff member shall use his discretion with regard to interviews but shall not be relieved of his obligations of courtesy.
2. Salespersons shall not be permitted to make personal calls at individual departments without the approval of the superintendent or his/her designate. Technical information obtained from sales representatives shall be forwarded to the administrative office for inclusion in specifications for purchasing.
3. No staff member shall commit him/herself or the ROP in interviews with salespersons, directly or by implication, as to acceptance of any product or give any information regarding the ROP's source of supply, price, or performance of any product.
4. The ROP shall not extend favoritism to any vendor, other than to give preference to local vendors in the case of identical bids. Each order shall be placed on the basis of quality of product or service, price, and delivery or performance, with past service being a deciding factor if all other considerations are equal.
5. All letters, wires, or other types of communication shall be answered or acknowledged promptly.
6. It shall be the duty of staff to visit vendors as necessary to discuss products, service, and ROP staff-vendor relationships.
7. Vendors shall not make substitutions or price adjustment without prior approval.
8. The ROP staff shall not solicit or accept donations of funds or materials from vendors for personal gain.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

The administration office of the ROP shall be responsible for receiving and checking invoices of goods received by the ROP. All warrants will be prepared by the business office of the Fremont Unified School District and must be approved by the Council at such times as are stipulated in approved Administrative Regulations.

Services rendered by the ROP shall be paid for by issue of warrants drawn on the funds of the ROP.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Business and Non-Instructional Operations

Revolving Fund

BP 3375

Education Code 42800 requires the ROP Council to adopt a resolution when creating an ROP revolving fund. The resolution should specify the purposes of the account. Any changes in the uses of the account should also be made by resolution.

Mission Valley ROP is requesting council approval to set up a revolving cash fund for use by the Superintendent or designee in paying for goods, services, and other charges determined by the ROP Council. (Education Code 42800-42806, 45167).

At the request of the ROP Council, County Auditor or County Superintendent of Schools, the Superintendent or designee shall give an account of the fund. (Education Code 42804).

The ROP Council shall review and revise fund usage as appropriate.

Pursuant to Education code 42800, the maximum allowable amount is the lesser of: 1) two percent of the district=s estimated expenditures for the current fiscal year; or 2) a dollar amount limit of \$75,000 for any elementary school or high school district and \$150,000 for any unified district for fiscal year 1990-1991. The dollar amount limit shall increase annually by the percentage increase in the district=s revenue limit established by Education Code 42238.

Additional Revolving Funds

No funds maintained in a revolving fund shall be used in an attempt to influence government decisions, for entertainment purposes, or for any other purpose not related to classroom instruction (Education Code 42810).

The Director of Business Services shall have use and control of the funds and shall be responsible for all payment into the accounts as well as expenditures from the accounts, subject to restrictions established by the ROP Council.

The revolving cash fund for supplies shall be subject to the bonding provisions of Education Code 42801.

The ROP Council shall provide an audit of revolving funds on a regular basis (Education Code 42810).

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

41020 Audits of all district funds

42800-42806 Revolving cash fund

42810 Revolving cash funds; use; administrators

First Reading: January 21, 2004

Second Reading: February 18, 2004

Adopted: February 18, 2004

AR 3375**Revolving Cash Fund (Petty Cash Fund)****Purpose of the Revolving Cash Fund**

1. Items of such low cost as to be uneconomical for the Business Services Office to handle via purchase orders.
2. Purchases more efficiently handled on a direct basis.
3. Emergency needs

Procedures

Please read carefully and follow the procedures below for ALL petty cash/revolving expenditures:

1. Obtain *approval for requested expenditures in advance* from the administrator to whom you report.
2. Obtain Petty Cash Voucher or Revolving Cash Reimbursement form from the Accounting Technicians.
3. For purchases *\$50.00 and under use the Petty Cash Voucher.*
4. For purchases *over \$50.00 use the Revolving Cash Reimbursement Form.*
5. Obtain itemized receipt (legal document) for items purchased, including, date, item name, quantity and unit price, and sign the receipt or invoice.
6. Complete the Petty Cash Voucher, attach the receipt of invoice and staple - *use one form per vendor*
7. Submit Petty Cash Voucher (Revolving Cash Reimbursement Form) and receipt to your administrator for signature approval.
8. The Accounting Technicians will make reimbursement and notify you when this has been completed.
9. All revolving cash (where applicable) must be returned at the end of the school year. Cash and checks plus replenished requests must total the amount of an allocation.
10. Bank accounts are to be reconciled monthly by the end of the month following the month-end bank statement.

Limitations of Petty Cash

1. Petty cash may be used only for purchases legally chargeable to school funds.
2. The frequency of purchases is limited to the available balance of cash on hand plus approval from an administrator.
3. The total purchase submitted on one *Petty Cash Voucher* is limited to a maximum of \$50.00.
4. For purchases over \$50.00, use the *Revolving Cash Reimbursement Form.*

5. Petty Cash cannot be used for amounts that exceed \$50.00 where the option is available to have a purchase order and pay when the service or materials are received, or when a prepay with a purchase order is possible.
6. Payment of salary or stipends shall not be made with revolving funds.
7. Payment of reimbursement for conference expenses, travel expenses or mileage shall not be made from revolving funds.
8. Any item costing \$500 or more shall not be made with revolving funds.

Salaries for full-time employees, together with hourly rates for part-time employees, shall be approved by the Council. The business office of the Fremont Unified School District shall be responsible for preparing and checking pay rolls for County approval and for distributing warrants to employees as agreed to under contract.

First Reading: Second	11/6/90
Reading: Adopted:	1/3/91
	1/3/91

A double-entry system of accounting shall be maintained within the ROP for the purpose of recording business transactions of the ROP.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Proposed expenditures shall be budgeted under, and expenditures shall be charged against, those categories which most accurately describe the purposes for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like, shall be prorated under the several categories which most accurately describe the purposes for which such monies are to be or have been spent.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Upon request by the Council, the superintendent shall furnish financial reports to the Council. Such reports shall contain summary and detailed information of income, expenditures, encumbrances, and remaining balances.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted	1/3/91

An audit of the accounts of the ROP shall be made annually by an independent certified public accountant selected by the Council. The audit examination shall be conducted in accordance with generally accepted auditing standards and shall include all funds over which the Council has direct or supervisory control.

An auditor's fee shall be established each fiscal year. The Council upon recommendation of the superintendent shall select an auditor experienced in school and governmental accounting and willing to perform the required services for the established fee.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

6/23/04

Business and Non-Instructional Operations

BP 3450

Inventories

Accurate inventories of supplies and equipment shall be maintained by the Assistant Superintendent, Business Services, in accordance with good business practices and in compliance with legal requirements.

All equipment and property having a useful normal life of at least one year and a unit acquisition cost of at least \$5,000 shall be capitalized for accounting purposes. In addition, items acquired by lease with option to purchase shall be capitalized regardless of lease or acquisition cost. For such items paid for with federal funds, the capitalization threshold shall be \$5,000. Such assets shall be depreciated using the straight-line method without salvage value in accordance with useful life tables determined by the Assistant Superintendent for Business Services.

Legal Reference: Education Code
Section 35168

First Reading: May 19, 2004
Second Reading: June 23, 2004
Board Approved: June 23, 2004

Work schedules shall be devised by the superintendent or his/her designate to guarantee regular cleaning of buildings and facilities of the ROP. Every effort shall be made to insure that adequate heat, light, and water shall be supplied to facilitate the instructional program.

1

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Constant effort shall be made to provide maximum maintenance of buildings, facilities, and equipment of the ROP. There shall be procedures established for emergency repairs as well as scheduled plans for painting, repairing, and refurbishing of buildings and facilities.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Use of Facilities

3580

Use of facilities owned or leased by the ROP can be used for:

1. Instruction
2. In-service education
3. Meetings for ROP staff

Any other use of facilities shall have the written permission of the superintendent or his/her designate through established administrative regulations.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Facilities Use

Smoking

As of September 1, 1993, smoking and/or the use of tobacco products shall not be permitted at any time in the buildings or on the grounds of the Mission Valley ROP and Fremont Unified School District. Smoking and/or the use of tobacco products is also prohibited in any district-owned vehicle.

Legal Reference: Health and Safety Code
 Section 25941

 Public Safety
 Title 19, s. 23.

First Reading: June 28, 1993
Second Reading: October 25, 1993
Adoption: October 25, 1993

MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM

Philosophy

The Mission Valley Regional Occupational Program Council recognizes the Internet as a vital educational vehicle for accessing information from millions of resources all over the world. The Council supports the opportunities offered via Internet for "electronic field trips" to distant locations and for instructors to utilize new and innovative curriculum. Mission Valley Regional Occupational Program Internet accounts will be used for the purposes of research, education, and school-related business and operations. Such broad access to computers, communications systems, and people also bring access to materials that may not be considered to be of educational value within the context of the school setting. The Council considers that the information and interaction available outweigh the possibility of users procuring material that is not consistent with the educational goals of the ROP. It is essential that guidelines be established so that instructional goals can be achieved, information that does not support classroom learning can be avoided, and students' privacy rights are protected. Users shall have no expectation of privacy in their own use of the network. Access to harmful materials as defined by Penal Code section 313 shall be prohibited.

The Council authorizes the ROP Superintendent to prepare and implement administrative regulations for use of this important resource. The Council emphasizes that careful consideration is to be given to requirements and regulations for all staff and students to limit such use to the advancement of learning within the relevant curriculum and to actively avoid any information that is inappropriate to and/or does not support classroom learning.

All users must sign an Acceptable Use Contract which incorporates this policy and relevant administrative regulations.

First Reading: 1-22-98
Second Reading: 2-26-98
Adopted: 2-26-98

The Superintendent will determine appropriate use, as proposed by faculty, for inclusion of Internet access in the curriculum.

Instructors shall demonstrate agreement with Council policy for the use of Internet (or "network") by reviewing and signing the "Sponsoring Teacher" agreement.

Instructors shall review the Council policy, this regulation, and the Network Acceptable Use Agreement with students.

Students shall be permitted access to the Internet under the direction and supervision of faculty only after the "Acceptable Use Agreement" has been signed by the student and his or her parent or guardian and returned to the classroom file.

Use of the network is a privilege which may be revoked by Administration at any time. Unethical and unacceptable behavior will be considered just cause for disciplinary action, including revoking networking privileges and/or initiating legal action for any activity through which an individual:

- Uses the network for illegal, inappropriate or obscene purposes, or in support of such activities or access sites that contain or make reference to harmful matter
 - "Illegal activities" are activities which violate local, state and/or federal laws, including but not limited to copyright, civil rights laws, etc.
 - "Inappropriate use" is a use which is not an intended use as defined by the Council policy and this administrative regulation.
 - "Harmful matter" is defined in Penal Code section 313 and means matter taken as a whole, which to the average person applying contemporary statewide standards, appeals to prurient interest, and is a matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious, artistic, political, or scientific value for minors.
 - "Obscene" means a matter taken as a whole that to the average person applying contemporary statewide standards, appeals to the prurient interest, that taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- Uses the network for any illegal activity, including but not limited to violation of copyright or other contracts or license agreement.
- Intentionally disrupts network traffic or crashes the network and/or connected systems.

- Damages, degrades, or disrupts equipment or system performance.
- Uses the network or equipment for political lobbying, commercial or financial gain or fraud.
- Steals data, equipment, software or intellectual property.
- Alters computer software.
- Gains or seeks to gain unauthorized access to resources or entities.
- Forges electronic mail messages, or uses an account owned by another user.
- Invades the privacy of individuals.
- Posts anonymous messages.
- Creates, distributes, or purposely activates a computer virus.
- Uses the network to send or request racist, inflammatory, or sexist messages.
- Conceals or misrepresents the user's identity while on the network.
- Provides personal identification (such as name/photographs/location) on the Internet.
- Sends or requests messages or documents that are inconsistent with school policies, guidelines, or codes of conduct.
- Possesses any data obtained in violation of these rules on paper, disk, or any other form.

Consequences of student violations include but are not limited to:

- Revocation and/or suspension of Internet access
- Revocation and/or suspension of computer access
- School suspension and/or expulsion
- Legal action by outside legal authorities

Students accused of violations shall be subject to the processes and recourses applicable to all other policy and procedure violations.

The Mission Valley ROP has the right to restrict or terminate network access at any time for any reason. The ROP has the right to monitor network activity in any form that it sees fit to maintain the integrity of the network. Electronic information is not private. The Mission Valley Regional Occupational Program reserves the right to remove information which is unlawful, obscene, pornographic, or otherwise objectionable.

Users are directed to avoid personal identification (such as name/photographs/location) on the Internet.

Employee Use of Technology

User Obligations and Responsibilities

Employees are authorized to use the districts WAN or other on-line services in accordance with employees' obligations and responsibilities specified below.

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Employees shall keep personal account numbers, home addresses, and telephone numbers private. They shall use the system only under their own account number.
2. Employees shall use the system only for purposes related to their employment with the district. Commercial and political use of the system is strictly prohibited. The district reserves the right to monitor any on-line communications for improper use.
3. Employees shall not use the system to promote unethical practices or any activity prohibited by law or district policy.
4. Employees shall not transmit material that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs.
5. Copyrighted material may not be placed on the system without the author's permission. Employees may download copyrighted material for their own use only and only in accordance with copyright laws.
6. Vandalism will result in the cancellation of employee privileges. Vandalism includes purposeful uploading, downloading, creating computer viruses, and or any malicious attempt to harm or destroy district equipment or materials or the data of any other user.
7. Employees should observe appropriate judgment and ethics in sending electronic mail as representatives of the district. The district reserves the right to monitor e-mail transmissions on a need-to-know basis.
8. Employees are encouraged to keep messages brief and use appropriate language.
9. Employees shall report any security problem or misuse of the network to the Superintendent or designee.
10. This policy and administrative regulation will be reviewed to reflect changes in practice, technology, and the law.

Employee Use of Technology

**MISSION VALLEY ROP
EMPLOYEE TECHNOLOGY USE AGREEMENT**

Internet access is coordinated through a complex association of government agencies and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided in our district Board Policy 3590 so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical, and legal utilization of the network resources. If a Mission Valley ROP employee violates any of these provisions, his/her account will be terminated and future access could possibly be denied. The signature(s) at the end of this document is (are) legally binding and indicate(s) the party (parties) who signed and has (have) read the terms and conditions carefully and understand(s) their significance.

NETWORK ETIQUETTE

You are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

- a. Be polite. Be brief. Do not be abusive in your messages to others.
- b. Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language. Illegal activities are strictly forbidden.
- c. Do not reveal your personal address or phone numbers of students or colleagues.
- d. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.**
- e. Do not use the network in such a way that you would disrupt the use of the network by other users.
- f. All communications and information accessible via the network should be assumed to be private property.

I have read the Internet Use Agreement. I agree to follow the rules contained in the Board Policy and Administrative Regulation. I understand if I violate the rules, my Internet access can be terminated and I may face progressive disciplinary action and/or possible legal action.

Employee's Name (please print) _____

Location _____ Date _____

Employee's
Signature _____

PERSONNEL- 4000 SERIES

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PREAMBLE

CONCEPTS AND ROLES IN PERSONNEL

The Council wishes to establish, through the personnel policies and regulations of the ROP, conditions that will attract and hold the best qualified personnel for all positions, who will devote themselves to the education and welfare of students of the ROP. The Council desires that teachers pursue excellence within their profession. The policies in this section shall reflect these concepts.

The Council affirms its intention to have all policies, regulations, and procedures of the ROP conform to all requirements of law and state regulations, including affirmative action and equal employment opportunity.

The Council

1. Adopts wage and salary schedule.
2. Accepts or rejects employees on the recommendation of the Superintendent.
3. Determines principles of treatment for employees, such as those in connection with sick leave, leaves of absence, retirement, etc.

The Superintendent

1. Recommends for employment and promotion all certificated and classified personnel.
2. Recommends disciplinary action, including suspension and dismissal, against employees whenever there is sufficient evidence warranting any such action according to Council policy and administrative regulations, and/or state or federal laws and regulations.
3. With the staff, assigns, directs, and supervises the work of all employees with due regard for the individual rights involved, and proposes salary schedules for staff members.

Working Relationships between Council and Superintendent

The Council desires to be guided principally by the advice of the Superintendent in regard to its relations with certificated and classified personnel.

The Council does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent, and will not employ any person unless recommended

Preamble Continued:

by the Superintendent. If a recommendation by the Superintendent is not acceptable to the Council, the recommendation shall be withdrawn. The Superintendent shall then present other recommendations to the Council for consideration.

The Council desires that the Superintendent conduct the ROP's personnel relations with fair and sound practices approved by the Council.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

CERTIFICATED STAFF MEMBERS

All certificated staff members hired by the ROP are classified as temporary employees.

Regularly assigned teachers can be granted an annual contract by the Council, but shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee in accordance with EC 44910.

All hourly or contracted teachers are classified as temporary, and based upon satisfactory service are reviewed for continuing service for the next teaching assignment.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

RECRUITMENT AND SELECTION — GENERAL

Teachers and administrators for the ROP shall be recruited from university placement centers, organizational placement offices, local newspaper advertising, or through personal correspondence with qualifying candidates. The objective in recruitment shall be to obtain the best possible certificated personnel within the limits of compensation provided by the ROP.

Whenever appropriate, staff members shall be involved in the selection of personnel.

Applicants who, for any reason, do not meet the standards or needs of the ROP shall be eliminated from further consideration.

All applications or resumes will be logged and retained for a minimum of 12 months.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

RECRUITMENT AND SELECTION: AFFIRMATIVE ACTION

The Council shall provide equal employment opportunities for all persons without regard to race, color, creed, sex, religion, ancestry, national origin, age, or non-job-related handicap or disability. The Council establishes a program of affirmative action in order to assure that all personnel policies relevant to recruiting, hiring, and promoting employees guarantee equal opportunities for all. (Education code 44100 et seq.)

Recruitment, selection, and employment practices of the ROP shall provide a concerted effort to hire and promote qualified individuals of minority ethnic background so that the total ROP staff is representative of student and community populations of the districts served.

Administrators shall periodically reaffirm and review the affirmative action policy and its application in order to ensure compliance with affirmative action provisions of law.

This policy shall be publicized throughout the participating districts served and community and its intent made explicit in all ROP manuals and publications.

Legal Reference:	Education Code
200-261	Prohibition of discrimination on basis of sex
44100-44105	Affirmative action employment
44830	Employment restricted to persons possessing prescribed qualifications; public policy of State against discrimination on the basis of race, etc.
44830.5	Assignment of certificated employees to district; ethnic ratio
Administrative Code, Title 5 30-31	Affirmative action employment programs
Government Code 12920-12921 12940 et seq.	Nondiscrimination Discrimination prohibited; unlawful practices, generally
Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act	
Executive Order 11246 Equal Pay Act of 1963	
First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

PERSONNEL RECORDS

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept of all former employees, including such essential information as shall be deemed appropriate to the administration.

All personnel files shall be considered confidential and shall not be available to persons other than the employee, the Superintendent, Director of Instruction, and those authorized by the Superintendent.

Written materials filed, except for those prohibited by law, shall be made available for inspection by the employee at an off-duty time. Inspection shall take place in the presence of the Superintendent or Director of Instruction.

Ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination shall not be available for inspection by employees.

The employee shall be notified whenever derogatory information is to be placed in his/her personnel file. The employee so notified may request to review and comment on the contents. Such review shall take place during normal working hours. The employee shall be released from duty for this purpose without a salary reduction.

Legal Reference:	Education Code	
	44031	Personnel file contents and inspection
	44663	Performance appraisals and related materials

Attorney General's Office
No. CV 75-73 June 6, 1975

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

PERSONNEL RECORDS

Placement of Material in Personnel Files:

1. Material in the employee's personnel file will normally include but shall not be limited to the following:
 - a. Application for employment or resume.
 - b. Initial employment information such as: authorization to employ, oath of office, medical examination records, tuberculosis card, etc.
 - c. Credential status or records.
 - d. Transcripts of records of college work.
 - e. Tentative assignment forms.
 - f. Offer of employment.
 - g. Evaluations, observations, responses, and related materials.
 - h. Complaint resolutions.
 - i. Retirement entry or separation material.
 - j. Any medical information required by policy or regulations of the ROP.
 - k. Changes of status.
 - l. Copies of contracts.
 - m. Absence and leave records.
 - n. Payroll related information.
 - o. Letters, memoranda, and formal notes regarding violations of Council policy, or acts of commission or omission relating to assigned duties.
 - p. Information relating to any legal action involving the employee and the ROP.

2. All material to be placed in a personnel file shall be processed through the administrator responsible for the maintenance of personnel files.

Personnel File Review Procedures

1. File Review by Employee
 - a. Employees may examine their own personnel file at a time when they are not required to render service to the ROP. Such inspection will take place in the office where the files are maintained, during normal business hours, in the presence of the administrator responsible for maintaining personnel files.
 - b. Confidential placement information in file shall not be available for review unless marked "not confidential" or equivalent by the college, university, or other placement office.
 - c. In no instance shall any material be removed from the file. (See procedure to be followed regarding derogatory material above.)
 - d. Any request by an employee to include any materials in the file must be approved by the administrator responsible for maintaining personnel files.
 - e. Requests for copies of material in personnel file must be in writing.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

DRUG-FREE WORKPLACE

The ROP encourages and supports its employees in their efforts to maintain a healthy lifestyle. The ROP will maintain a drug-free workplace by taking action against employees who use, distribute, or possess illegal controlled substances or alcohol on the job.

All employees are prohibited from using, distributing, possessing, or being under the influence of illegal controlled substances or alcohol during assigned work hours or while on ROP property.

Legal Reference:

The Drug-Free Workplace Act of 1988

Education Code

- 44932 Grounds for dismissal of permanent employee; Suspension of employees
- 44425 Conviction of sex or narcotic offense as grounds for revocation by commission; plea of nolo contendere to sex offense
- 44011 "Controlled substance offense"
- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45123 Employment after conviction of sex offense or controlled substance offense; rehabilitated controlled substance offender

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

CHILD ABUSE REPORTING STATEMENT

The Council requires all employees who are child care custodians, as defined by Penal Code 11165, to report known or suspected instances of child abuse.

Prior to employment, persons in the defined positions shall sign a statement to the effect that the employee knows of the legal requirement to report known or suspected instances of child abuse and is prepared to comply with this provision of law. (Penal Code 11166.5)

The Superintendent shall ensure that the provisions of this policy are carried out in accordance with the law.

Legal Reference: Education Code
44690 et seq. Staff development in the detection of child
abuse and neglect

Penal Code 273 a Willful cruelty or unjustifiable punishment of child; endangering life
of health
11165-11165.5 Definitions relating to child abuse
11166-11170 Reporting known or suspected cases of child abuse
11172 Exemption from civil and criminal liability resulting from required
reporting of known or suspected child abuse; failure to report is a
misdemeanor.

First Reading: September 12, 1991
Second Reading: December 12, 1991
Adopted: December 12, 1991

CHILD ABUSE REPORTING STATEMENT

Signed Statement

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

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

I have been informed of the above law and will comply with its provisions.

(Type employee's name below line, with signature above)

This statement is a permanent record of the Mission Valley Regional Occupational Center/Program.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

ASSIGNMENT AND REASSIGNMENT

The assignment of staff members and their transfer shall be made by the administrative staff with the approval of the Superintendent.

Classified

The Council shall classify all positions in the classified service and other positions not requiring certification qualifications. Each position shall have a designated title, regular minimum number of assigned hours per day, days per week, and months per year. A specific statement of the duties required and the regular monthly salary ranges shall be established for each position.

Certificated

A certificated employee will be assigned by the Superintendent to a position for which the employee's preparation, certification, experience, and aptitude fits him/her and the ROP.

Legal Reference:	Education Code
35020	Duties of employees fixed by governing board
35025	Additional powers and duties of superintendent
35035(c)	Additional powers and duties of superintendent (clarifies power of district superintendent to transfer teacher from one school to another)
44032	Payment of expenses; advance on funds; direction of travel by governing board
44033	Reimbursement on a flat rate or mileage basis
44256	Authorization for teaching credentials; kinds
44257	Authorization for teaching assignment
44258-44264	(reassignment of teachers)
45102	Assignment at times other than regular academic year
45109	Fixing of duties
45110	Inconsistent duties; compensation
45127	Work week (conditions of service)
45132	Four—consecutive—day work week
45169	Data furnished employee, copies; application
45183	Basis for assignment of duties
44863	Subjects authorized in special certificate

Government Code

3543.2	Scope of representation (re transfer/reassignment)
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First Reading: Second	September	12,	1991
Reading: Adopted:	December	12,	1991
	December	12,	1991

MISSION VALLEY REGIONAL OCCUPATIONAL CENTER PROGRAM
Classified Personnel

Goals of Performance Evaluation

Developed by the classified staff committee

1. Performance evaluation is designed to provide information to the employee so that strengths and weaknesses can be clarified.
2. Performance evaluation is not designed to be punitive or self-serving.
3. Performance evaluation involves procedures that bring the appraisee into closer understanding of reasonable expectations.
4. Performance evaluation is designed to clarify and define reasonable "targets" of achievement.
5. Performance evaluation is a legitimate and responsible activity, the fundamental consequences of which are to improve the employee's performance.

1st Reading: 2/26/98
2nd Reading: 3/26/98
Adopted: 3/26/98

MISSION VALLEY ROC/P
Guidelines For Classified Evaluations

1. New classified employees will be evaluated sixty days from the date of employment, at six months, and at the end of the first year. After one year employees shall be evaluated on an annual basis. If any evaluation indicates a "needs improvement" or "fails to meet standards," the employee will be evaluated on those areas in sixty days.
2. When hired, all new employees will receive a copy of the evaluation form and job description. A meeting will be held between the employee and supervisor to review and discuss expectations and evaluation procedures.
3. Employees will be probationary for a period of six months from start date.
4. An evaluation conference will be held with the employee and the supervisor to discuss the evaluation.
5. The form for the classified evaluation will be Form #CLE97.
6. An employee who changes classification shall follow the evaluation guidelines for a new employee.
7. Whenever possible, job performance shall be discussed with the employee by his/her immediate supervisor at the time the issue is pertinent, rather than waiting until the time of the required written appraisal.

II. Evaluation Summary to be completed by supervisor/employee:

Considering all the above appraisal factors regarding work performance, please comment about overall performance.

III. Employee Development:

List ways the employee might improve his job performance and suggest methods of achieving such development.

IV. Future Goals or Growth Objectives to be completed jointly during the evaluation:

In compliance with the Rules and Regulations of the Personnel commission adopted pursuant to Section 45261, Education Code, State of California, I approve for the above named employee to be:

- Recommended for continued employment with annual evaluation
- Recommended for continued employment with the condition of reevaluation in sixty days
- Recommended for remediation plan
- Recommended for administrative review of employment

It is understood that in signing this performance report the employee acknowledges having seen and discussed the rating but does not necessarily agree with the conclusions of the evaluator. It is further understood that the employee has 10 days to file a rebuttal which will be attached to the evaluation filed in the employee's personnel folder.

Employee Signature Date

Supervisor Signature Date

EVALUATION

Evaluation is a process whereby the effectiveness of the staff member is appraised in relation to job-related responsibilities and duties, predetermined ROP goals and objectives, Council and business expectations, employee competencies, and ROP policies, regulations, and procedures.

The evaluation shall recognize the worth and needs of the individual evaluated in the total working environment and shall lend direction toward improvement of individual effectiveness.

Staff members will be evaluated at least once during each year by ROP administration. All evaluations will be in written form and will be discussed with the staff member.

Evaluation Guideline - Certificated

In the development of guidelines to evaluate certificated personnel the Council shall avail itself of the advice of certificated personnel in assessing certificated competency as it reasonably relates to:

1. The progress of students toward standards of expected achievement.
2. The instructional techniques and strategies used by the employee.
3. The employee's adherence to curricular objectives.
4. The establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities.
5. Additional evaluation and assessment guidelines as the Council may develop.

The Council, with the direction of the administration, shall develop and adjust guidelines and assessment criteria as it deems necessary.

Legal Reference:	Education Code
33039	State guidelines for teacher evaluation procedures
35160.5	Requirement of district policies for competency of personnel assigned to evaluate.
35171	Availability of rules and regulations for evaluation of performance
44660-44665	Evaluation and assessment of performance of certificated employees
Government Code	
3543.2	Scope of representation (re—evaluate procedures)

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

MISSION VALLEY ROP/C

GUIDELINES FOR CERTIFICATED EVALUATIONS AND OBSERVATIONS

1. New contracted certificated instructors will be evaluated every year for three years. If the evaluations are above satisfactory, then evaluations may be conducted every other year. Instructors may request to be evaluated, even if they are not required to do so. Also, administration may evaluate an instructor having met the 3 year performance criteria if there is need for improvement in any area of the teachers' performance.
2. A minimum of one formal classroom observation will be made on all contracted teachers. If any area of the classroom observation is found to be in the "needs improvement" category, a meeting will immediately take place between the observer and the instructor to establish steps for improvement and remediation. Another classroom observation will then be set within 30 days.
3. Prior to a classroom observation, a pre-planning meeting may be held at the instructor's or observer's request.
4. A follow-up meeting to a classroom observation will be held at the instructor's or observer's request.
5. The form for classroom observations will be CO 92 (see attached).
6. The form for certificated evaluations will be CE 92 (see attached).

Regulation established: November 9, 1992

MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM/CENTER
Certificated Personnel

GOALS OF PERFORMANCE EVALUATION

Developed by the Teacher Evaluation Committee

1. Performance evaluation is designed to provide information to the employee so that strengths and weaknesses can be clarified.
2. Performance evaluation is not designed to be punitive or self-serving.
3. Performance evaluation involves procedures that bring the appraisee into closer understanding of reasonable expectations.
4. Performance evaluation is designed to clarify and define reasonable "targets" of achievement.
5. Performance evaluation is a legitimate and responsible activity, the fundamental consequences of which are to improve the delivery of effective instruction.

First Reading: November 5, 1992
Second Reading: December 10, 1992
Adoption: December 10, 1992

TEACHING HOURS

The Superintendent shall establish the hours of employment, duties, and periods of assignment.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

CONCURRENT EMPLOYMENT

All concurrent employment must be submitted by the employee in writing to the ROP Administration within one (1) week of obtaining other employment.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

NON-ROP EMPLOYMENT

Personnel of the ROP may receive compensation for outside activities as long as such activities are not inconsistent, incompatible, in conflict with, or unfavorable to the duties of the employee, or to the duties, functions, or responsibilities of the ROP.

The Superintendent is authorized to determine which outside activities are inconsistent, incompatible, or in conflict with any employee's duties. Such outside activities may be prohibited if they:

1. Involve the use of ROP time, facilities, equipment or supplies, or the name, prestige or influence of the ROP for private gain or advantage, or
2. Involve the acceptance of any money or other consideration from any person or agency, other than this ROP, for the performance of any act which the ROP would normally consider a part of the duties of the employee, or
3. Involve the performance of an act as part of the employee's outside activities which may later be subject to the control, inspection, review, audit, or enforcement of any officer or employee of the ROP, or
4. Make such time demands on the employee that it interferes with the proper discharge of the employee's duties at the ROP, or
5. Would be unethical, or bring disrepute to the ROP, cause poor public relations between the ROP and the community.

Legal Reference:

Education Code
35160 Authority of governing board commencing January 1, 1976

Government Code
1126 Incompatible activities of employees

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

CONFLICT OF INTEREST

BP 4117.2

All employees and officers of the ROP shall perform their duties in an impartial manner, free from bias caused by their own interests.

No employee or officer of the ROP shall accept any money or other valuable thing or any inducement to directly or indirectly introduce, recommend, approve, or otherwise influence the adoption or purchase of any equipment, supplies, or material. Violation of this section will subject an employee to discipline. A violation of this section may also subject the employee to criminal sanctions for violating state law.

CONFLICT OF INTEREST CODE

The Conflict of Interest Code is promulgated under the authority of the Political Reform Act, Government Code Section 81000 et seq., which requires all state and local government agencies to adopt and promulgate a conflict of interest code. Regulation 2 Cal. Code of Regs., Section 18730, as adopted by the Fair Political Practices Commission contains the terms of a standard conflict of interest code; which may be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act.

Therefore, the terms of 2 Cal. Code of Regs., Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which positions are designated and disclosure categories are set forth constitute the Conflict of Interest Code of Mission Valley ROP.

Designated employees shall file their statements of economic interest with the ROP secretary, who will make the Statements available for public inspection and reproduction (Gov. Code Section 81008). The original statement of the Superintendent and each member of the school board shall be forwarded to the Clerk, Board of Supervisors and a copy retained by Mission Valley ROP.

FINANCIAL INTEREST

Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)

GIFTS

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89503)

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

HONORARIA

Board members and any designated employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. (Government Code 89502)

The term "honorarium" does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

APPENDIX
DESIGNATED POSITIONS/DISCLOSURE CATEGORIES

DESIGNATED POSITIONS

<u>Position</u>	<u>Disclosure Category</u>
<u>Board Members</u>	1
<u>Superintendent</u>	1
<u>Director, Business Services</u>	1
<u>Director, Educational Services</u>	1
<u>Coordinator</u>	2
<u>Information Technology Manager</u>	2
<u>Public Relations Officer/Administrative Assistant</u>	2
<u>Consultants</u>	*
	-

A consultant is an individual who, pursuant to a contract with the ROP, makes any of several specified governmental decisions or serves in a staff capacity with the ROP, performing the same or substantially the same duties for the ROP that would otherwise be performed by an individual holding a position specified in the ROP' s conflict of interest code.

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Superintendent may determine in writing that a particular consultant, although a designated position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description and a statement of the extent of disclosure requirements. The Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

Category Disclosure Required

- 1 Persons in this category must disclose all investments and business positions in business entities, sources of income and interests in real property, gifts and honoraria.

- 2 Persons in this category must disclose those investments and business positions in business entities, sources of income and interests in real property of the type utilized by the unit for which the designated employee is director, manager or responsible.

Legal Reference:

EDUCATION CODE

- 1006 Qualifications for holding office
- 35107 School district employees
- 35230-35240 Corrupt practices
- 35233 Prohibitions applicable to members of governing boards
- 60071 Prohibited offers to influence adoption or purchase of instructional materials
- 60072 School officials; acceptance of consideration or inducements; prohibition
- 60073 Penalty for violators; misdemeanor and removal from official position

GOVERNMENT CODE

- 1090-1098 Prohibitions applicable to specified officers
- 1125-1129 Incompatible activities
- 81000-91015 Political Reform Act of 1974, especially:
 - 82011 Code reviewing body
 - 82019 Definition of "designated employee"
 - 82028 Definition of "gifts"
 - 82030 Definition of "income"
 - 82033 Definition of "interest in real property"
 - 82034 Definition of "investment"
- 87100-87103.6 General prohibitions
- 87200-87210 Disclosure
- 87300-87313 Conflict of interest code
- 87500 Statements of economic interests
- 89501-89503 Honoraria and gifts
- 89506 Travel payments, advances and reimbursements
- 91000-91015 Enforcement

CODE OF REGULATIONS, TITLE 2

- 18100-18730 Regulations of the Fair Political Practices Commission

Management Resources:

WEB SITES

FPPC: <http://wwwippc.ca.gov>

Policy Adopted:	March 23, 2000
Revised Policy, First Reading:	January 20, 2011
Revised Policy, Second and Final Reading:	February 17, 2011
Policy Adopted:	February 17, 2011

ACCEPTANCE OF GIFTS

The offering of any valuable thing to any member of the Council, or any employee of the ROP, with the intent to influence the action of the Council member or employee in regard to the granting of any teacher certificate, the appointment of any teacher, superintendent or other officer or employee, the adoption of any textbook or the making of any contract to which the Council member or employee is a party, or the acceptance by any member of the Council or employee of any valuable thing with corrupt intent is a misdemeanor under California law.

No employee or officer of the ROP will accept gifts from any person, group, or entity doing (or wanting to do) business with the ROP. All business-related gratuities are specifically prohibited except for items generally distributed for advertising purposes and having a value of less than \$10.

No employee or officer of the ROP shall hold a vested interest in any contract made by the ROP.

Any contract or appointment obtained from the Council by corrupt means is void.

Legal Reference:

Education Code
35230 Corrupt practices as a misdemeanor
35231 Contract procured by corrupt means is void

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

Eligibility

All Mission Valley Regional Occupational Program (MVROP) certificated and classified personnel who worked for MVROP prior to July 1, 1989, are eligible for MVROP-paid health insurance and dental insurance to age 65 if the employee meets the following criteria:

1. The retiring person must be receiving STRS or PERS.
2. The person retiring must be age 55 or older.
3. The person retiring must have worked for MVROP for at least 10 years.
4. The person retiring must be an MVROP employee at time of retirement.
5. Employees who intend to retire and want to be enrolled in a MVROP approved health plan upon retirement, must enroll in that plan during the open enrollment period prior to retirement.

Premiums

MVROP shall pay the entire premium for the retiree's health plan and dental plan coverage from among those plans included in MVROP approved plans until age 65.

Health and dental coverage may include spouse. Any costs for this additional coverage will be paid for by the retiree. The retiree may reimburse MVROP for his/her spouse provided it is agreeable to the insurance carrier, until the retiree reaches age 65.

Employees who retire that have worked less than 100% but more than 50% and meet all other requirements, qualify to receive 50% of the amount paid for health and dental insurance.

At the age of sixty-five (65), with approval of the health insurance and dental insurance carrier, the retiree may continue coverage at the retiree's expense.

Qualified retirees participating in the retirement benefits option as defined by policy #4118.1, have the option to make changes in MVROP approved health or dental plans once each benefit year during open enrollment.

First Reading:	March 22, 2001
Second Reading:	May 24, 2001
Adopted:	May 24, 2001

RETIREMENT BENEFITS

All Mission Valley (formerly Fremont-Newark) Regional Occupational Program certificated and classified personnel who worked for the ROP prior to July 1, 1989, are eligible for ROP-paid health insurance and dental insurance to age-65 if the employee meets the following criteria:

1. The retiring person must be receiving STRS or PERS.
2. The person retiring must be age 55 or older.
3. Have worked for the ROP for at least 10 years.

The amount that the ROP will pay will be no higher than what Mission Valley ROP pays its employees for fringe benefits.

Coverage may include spouse. Any costs for this additional coverage over the amount paid to present employees will be paid for by the retiree.

Employees who retire that have worked less than 100% but more than 50% and meet all other requirements qualify to receive 50% of the amount paid for health and dental insurance.

Retirees may, with approval of the health insurance and dental insurance carrier, continue coverage at the retiree's expense.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

RETIREMENT

There shall be no compulsory retirement age for any employee.

Legal Reference:

Education Code	9134	No age limit on continuation of employment
Public Law	95-256	Age Discrimination in Employment Act Amendments of 1978

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

CIVIL AND LEGAL RIGHTS

The personal life of an employee is not an appropriate concern for the attention of the Council except as it may directly prevent the employee from properly performing his/her assigned functions during the workday.

Employees shall be entitled to full rights of citizenship, and religious or political activities or the lack thereof shall not be grounds for any discipline or discrimination with respect to the professional employment of such employee, providing said activities do not violate any local, state, or federal laws.

Nondiscrimination

The conditions of employment in the ROP, including wages, hours, terms, and benefits, shall be supplied without regard to age, ancestry, color, creed, national origin, marital status, physical or mental disability, pregnancy, race, religion, sex or sexual orientation or any other consideration made unlawful by federal, state or local laws. Thereby the Council seeks to extend the advantages of public education with full equality of educational opportunity to all students and personnel.

All employees are expected to carry out their responsibilities in a manner that is free from unlawful discrimination. Employees who permit or engage in discrimination or harassment may be subject to disciplinary action up to and including dismissal.

Complaints

No employee, as participant in a complaint procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any complaint.

Discipline

The Council considers unlawful harassment to be a major offense, which can result in discipline or dismissal of the offending employee.

No employee will be disciplined, reprimanded, reduced in rank or compensation, or deprived of any professional advantage without just cause as determined by the ROP.

Discriminatory Harassment

The Council is committed to ensuring a work environment, which is free of the unlawful harassment of all employees. An employee or applicant who feels that he/she has been discriminated against because of his/her race, sex, disability or other protected status should report such incidents to his/her supervisor, the Superintendent, or Council without fear of reprisal. Any supervisor receiving a harassment complaint shall notify the Superintendent who shall ensure that the complaint is properly investigated.

CIVIL AND LEGAL RIGHTS (continued)

Non-discrimination in Employment/Discriminatory Harassment

Unlawful harassment based on a person's race, sex, or other attribute listed in the ROP's non-discrimination policy includes, but is not limited to, the following:

1. Slurs, epithets, threats, or verbal abuse.
2. Derogatory or degrading comments, descriptions, drawings, pictures or gestures.
3. Unwelcome jokes, stories or teasing.
4. Any other verbal, visual, or physical conduct which adversely affects the individual's employment opportunities or has the purpose or effect of unreasonable interfering with his/her work performance or creating an intimidating, hostile, or offensive working environment.

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way in which it affects him/her.

Legal Reference:

California Constitution, Article I, Section 8

Education Code

Sections 200-262.4 Section
7050-7057 Section 44040

Prohibition of unlawful discrimination
Political activities to school officers and employees
Unlawful to discriminate because of appearance
before certain boards or commissions

Government Code

Sections 12920-12921
Sections 12940 et seq.

Fair Employment and Housing Act
Discrimination Prohibited; unlawful practices
generally

United States Code, Title 42

Section 2000e
Section 2000h-2

Title VII of the Civil Rights Act of 1964 as amended
Title IX, 1972 Education Act Amendment

Title 5, California Code of Regulations

Section 30-31

Affirmative Action

First Reading: February 24, 2000

Second Reading: March 23, 2000

Adopted: March 23, 2000

COMPLAINT PROCEDURE CONCERNING DISCRIMINATION IN EMPLOYMENT

The following procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the ROP's non-discrimination policies.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the ROP determines as least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the ROP, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications, and records dealing with the complaint shall be placed in an ROP file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.
8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the ROP fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

COMPLAINT PROCEDURE CONCERNING DISCRIMINATION IN EMPLOYMENT

(continued)

Level I

The complainant shall first meet informally with his or her supervisor, or the administrator or manager designated by the Superintendent.

If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal or other administrator or manager shall prepare, within ten working days, a written summary of his/her meeting(s) with the complainant. A copy of this report shall be given to the Superintendent.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the ROP Superintendent within ten-days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's signature or that of his/ her representative.
2. The complainant's name, address, and telephone number.
3. The name and address of the ROP employee who committed the alleged violation.
4. A description of the allegedly discriminatory act(s) or omission(s).
5. The discriminatory basis alleged.
6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.
7. Other pertinent information which may assist in investigating and resolving the complaint.

The Superintendent shall assign a staff member to assist the complainant with this writing if such help is needed. The Superintendent shall respond to the complainant in writing within ten working days.

The Superintendent shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If response from third parties is necessary, the Superintendent may designate up to ten additional working days for investigation of the complaint.

COMPLAINT PROCEDURE CONCERNING DISCRIMINATION IN EMPLOYMENT

(continued)

Level III

If the matter is not resolved at Level II, the complainant may file a written appeal to the Council within ten days after receiving the Level II response. The Superintendent or designee shall provide the Council with all information presented at previous levels.

The Council shall grant the hearing request for the next regular Council meeting for which it can be placed on the agenda. Any complaint against a ROP employee shall be conducted in closed session as a personnel matter. The Council shall render its decision within ten working days of the council meeting.

Other Remedies

Complainants may appeal the ROP's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders, and other civil law remedies may also be available to them. This information shall be published with the ROP's non-discrimination complaint procedures and included in any related notices.

Legal Reference:

Education Code
262.3 Appeals; civil law remedies; notice

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

SEXUAL HARASSMENT

Mission Valley ROP is committed to providing a work environment free of unlawful sexual harassment. The ROP's anti-harassment policy applies to all persons involved in the operation of the ROP and prohibits unlawful harassment by any employee of the ROP, including supervisors and co-workers.

For purposes of this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment decisions affecting the individual.
- (b) The harassment has the purpose or effect of having a negative impact upon the individual's work performance, or of creating an intimidating, hostile, or offensive work environment.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, programs, or activities available at or through the ROP.

In determining whether one of the above criteria is met, the standard to be applied is that of the "reasonable person" of the same gender as the victim.

It is not a defense to a claim of sexual harassment that the alleged harasser did not intend to harass.

EXAMPLES OF SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to:

- Verbal: Sexually demeaning comments, sexually explicit statements, questions, slurs, jokes, anecdotes or epithets; expressing sexual interest after being informed that the interest is unwelcome, making reprisals, or threats of reprisal following a negative response to advances or a sexual harassment complaint.
- Written: Suggestive or obscene letters, notes or invitations.
- Physical: Sexual assault, touching, impeding, or blocking movement.
- Visual: Leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.

SEXUAL HARASSMENT (continued)

A single incident of sufficient severity may constitute sexual harassment. In determining whether a specific act or pattern of behavior violates this policy, the circumstances surrounding the conduct shall be considered together with the above definition of sexual harassment. Such determination shall be made from the perspective of a "reasonable person" of the same sex as the victim.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incidents occurred will be investigated. The Superintendent has the responsibility of investigating and resolving complaints of sexual harassment. Confidentiality shall be maintained to the extent consistent with Council's obligation to investigate charges.

An employee who files a complaint alleging unlawful sexual harassment with the Council may appeal an action taken by the board to the California Department of Education pursuant to Education Code section 262.3. An employee who files a complaint alleging unlawful sexual harassment may also have civil remedies including injunctions, restraining orders, and/or other remedies or orders.

Any employee or applicant for employment who feels that he/she is being unlawfully harassed should immediately contact his/her supervisor or the Superintendent or designee in order to obtain procedures for reporting a complaint. Such complaints can be filed in accordance with Administrative Regulation 4119.2.

Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated. Discrimination complaint procedures prohibit retaliatory behavior against any complainant or any participant in the complaint process.

Employees may also seek redress from the United States Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing. Both of those agencies investigate and prosecute complaints of prohibited harassment in employment. Employees who believe they have been harassed unlawfully or who believe they have been retaliated against for resisting or complaining about such harassment, may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

Legal Reference:

Education Code
212.5 Sexual Harassment

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

COMPLAINT PROCEDURE CONCERNING SEXUAL HARASSMENT

COMPLAINTS AND RESOLUTIONS, EMPLOYEES

- Step 1. Employees who feel aggrieved because of conduct that may constitute sexual harassment should directly inform the person engaging in such conduct that such conduct is offensive and must stop.
- Step 2. If the offensive behavior does not stop or if the complainant does not feel comfortable exercising Step One, the complainant shall report the incident to an ROP administrator or to their immediate supervisor.
- Step 3. If the complaint is not resolved at Step Two above, it shall be stated in writing by the complainant within ten (10) days of the decision rendered at Step Two, and submitted to the Superintendent.
- Step 4. The Superintendent shall hear the complaint and shall render a decision in writing within a reasonable time. The Complainant shall be afforded a full and fair opportunity to present evidence relevant to the facts and to the issues raised by the complainant.

PLEASE NOTE: The procedure does not preempt the employee's right to remedy through other lawful means.

NOTIFICATIONS REGARDING SEXUAL HARASSMENT

A copy of the ROP's policy on sexual harassment shall:

- 1. Be displayed in a prominent location at the ROP.
- 2. Be provided to each faculty member, all members of the administrative staff, support staff, and all students.
- 3. Appear in any ROP publication that sets forth the schools comprehensive rules, regulations, procedures, and standards of conduct.

COMPLAINT PROCEDURE CONCERNING SEXUAL HARASSMENT (continued)

All employees shall receive a copy of ROP information sheets that contain, at a minimum, components on:

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The ROP's complaint process available to the employee.
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
6. Directions on how to contact this Fair Employment and Housing Department and Commission. (Gov. Code, § 12950)

The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders, and other civil law remedies may also be available to them. (Ed. Code, § 262.3.) This information shall be published with the ROP's non-discrimination complaint procedures and included in any related notices.

Legal Reference:

Government Code Sections 12900-12996

Equal Employment Commission Guidelines

Education Code Sections 200, 212.5, 230

Title VII of the Civil Rights Act of 1964

Title IX of the 1972 Education Amendments, section 106.8

First Reading: February 24, 2000

Second Reading: March 23, 2000

Adopted: March 23, 2000

REASONABLE ACCOMODATION

Requests for reasonable accommodation may first be considered informally by the site administrator. If an accommodation cannot be made at the site because it would impose undue hardship or because of a lack of funds, the site administrator shall ask that the request be submitted in writing to the Superintendent. The site administrator shall provide the employee or applicant with any assistance he/she may need in order to submit this request.

Upon receiving a request to reasonably accommodate the physical or mental disability of a ROP employee or qualified job applicant, the Program Administrator, shall:

1. Determine the essential functions of the job.
2. Consult with the employee or applicant to determine his/her precise limitations and how they may be mitigated.
3. With the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness; and
4. If possible, develop a plan for the accommodation that would satisfy the employee or applicant's concerns without imposing undue hardship on the ROP.

The determination of whether an individual poses a significant risk of substantial harm to others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of the risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of potential harm. (Code of Fed. Regs., Title 29, § 1630.2.)

The Superintendent may confer with the Program Administrator, the appropriate persons of expertise in medical issues, and/or other ROP staff before making a final decision.

The Program Administrator shall notify the employee or applicant of the results of his/ her determination.

Appeal Process

If the employee or applicant is not satisfied with the decision of the Program Administrator, he/she may appeal in writing to the Superintendent or designee. This appeal shall be made within ten (10) 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.

REASONABLE ACCOMMODATION (continued)

The Superintendent or designee shall consult with the Program Administrator and review the appeal, together with any available supporting documents. The Superintendent or designee shall give the employee or applicant 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 Council in accordance with the ROP's procedure for such complaints.

Legal Reference:

California Civil Code
Section 51 Unruh Civil Rights Act

Government Code
Section 12940 Discrimination Prohibited; unlawful practices generally

United States Code, Title 42
Section 12101 et seq. Americans with Disabilities Act

First Reading: February 24, 2000
Second Reading: March 23, 2000
Adopted: March 23, 2000

UNIVERSAL PRECAUTIONS

Universal precautions shall be observed throughout the MVROP to protect employees, students, and any other persons in the school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious diseases and shall be used regardless of whether blood borne pathogens are known to be present.

Legal Reference:

Health and Safety Code

199.81 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B
Information to employees of school district Code of Regulations

Title 8, §5193 California Blood borne Pathogens Standard Code

Code of Federal Regulations

Title 29 §1910.1030 OSHA Blood borne Pathogens Standards

Management Resources CD Advisory 1016.89

Guidelines for informing school employees about preventing the spread of infectious diseases, including Hepatitis B and AIDS/HIV infections and policies for dealing with HIV-infected persons in school settings

First Reading: May 25, 2000
Second Reading: June 22, 2000
Adopted: June 22, 2000

UNIVERSAL PRECAUTIONS

"Universal Precautions" is an approach to infection control according to which all human blood and certain human body fluids are treated as if known to be infectious for HIV, UBA, and other blood borne pathogens. (Title 8, § 5193.)

Human immunodeficiency virus (HIV) and hepatitis B virus (FIB) can be found in blood, semen, vaginal secretions, and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other diseases. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious. All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct hand contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks also should be worn if you anticipate soiling of clothes by body fluids or secretions.
2. Wash your hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects or surfaces.
 - b. immediately after removing gloves, gowns or smocks.
 - c. before eating, drinking or feeding.
 - d. before handling food, cleaning utensils or kitchen equipment.
 - e. before and after using the toilet or diapering.

When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.

3. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other non-disposable items in the disinfectant.

UNIVERSAL PRECAUTIONS

4. Properly dispose of contaminated materials and label them as biohazards.
 - a. Place blood, body fluids, gloves, bloody dressings, and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes, and other sharp disposable objects in leak- proof, puncture-proof containers.
 - c. Bag soiled towels and other laundry. Pre-soak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomit, or feces in the sanitary sewer system.
5. Do not care for others' injuries if you have any bleeding or oozing wounds or skin conditions
6. Use a mouthpiece, resuscitation bag or other ventilation device when readily available in place of mouth-to-mouth resuscitation.
7. Immediately report any exposure incident or first-aid incident in accordance with the MVROP's Exposure Control Plan or other procedures.

First Reading:	May 25, 2000
Second Reading:	June 22, 2000
Adopted:	June 22, 2000

EXPOSURE CONTROL PLAN FOR BLOOD BORNE PATHOGENS

The Superintendent or designee shall meet state and federal standards for dealing with blood borne pathogens and other potentially infectious materials in the workplace. The Superintendent or designee shall establish a written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Council shall determine which employees have occupational exposure to blood borne pathogens and other potentially infectious materials. In accordance with the MVROP's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

The Superintendent or designee may exempt designated first-aid providers from pre-exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the MVROP's exposure determination may petition to be included in the MVROP's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

Legal Reference: Code of Regulations

Title 8 §3204 Access to employee exposure and medical records
§5193 California blood borne pathogens standard

Code of Fed. Regs., Title 29, §1910.1030 OSHA blood borne pathogens standards
Management Resources CDE Advisory 1016.89 Guidelines for informing school employees about preventing the spread of infectious diseases, including Hepatitis B and AIDS/HIV infections and policies for dealing with HIV-infected persons in school settings

First Reading: May 25, 2000
Second Reading: June 22, 2000
Adopted: June 22, 2000

BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

In accordance with the CAL/OSHA Bloodborne Pathogens standard, Title 8 CCR-Section 5193, and in order to provide a safe work place for employees, the Mission Valley Regional Occupational Program has established a written exposure control plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

The Superintendent or designee shall determine which employees have occupational exposure to blood borne pathogens and other potentially infectious materials. Employees having occupational exposure shall be offered the hepatitis vaccination. If the employee chooses not to have the vaccination, he/she must sign a declination form.

Any employee not identified as having occupational exposure may petition to be included in the MVROP's employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioner of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

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." (Title 8, Section 5193 (b).)

Exposure incident means "a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties."

Parenteral contact means "piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions" (Title 8, Section 5193 (b)).

DETERMINATION OF OCCUPATIONAL EXPOSURE

Determination will be made as to which employees have occupational exposure to blood or other potentially infectious materials. MVROP has determined that custodians, health instructors and those working with small children are in this category.

UNIVERSAL PRECAUTIONS

Universal precautions will be observed in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious material will be considered infectious regardless of the perceived status of the source individual.

ENGINEERING AND WORK PRACTICE CONTROLS:

- a. Sharps containers at the Laiolo Road site. Contaminated sharps are to be placed immediately, or as soon as possible, into appropriate sharps containers.
- b. Gloves readily available to all employees.
- c. Hazardous waste pick-up as necessary.
- d. Handwashing facilities will be available to the employees who happen to incur exposure to blood or other potentially infectious materials. Antiseptic hand cleaners such as towelettes will be provided when soap and water are not readily available
- e. After removal of personal protective gloves, employees shall wash hands and any other potentially contaminated skin area immediately or as soon as feasible with soap and water.
- f. If employees incur exposure to their skin or mucous membranes, those areas shall be washed or flushed with water as appropriate as soon as feasible following contact.

WORK AREA RESTRICTIONS

In work areas where blood or other potentially infectious materials are present, employees are not to eat, drink, apply cosmetics or lip balm, or handle contact lenses.

CONTAMINATED EQUIPMENT

Equipment, which has become contaminated with blood or other potentially infectious materials, shall be examined prior to servicing or shipping and shall be decontaminated as necessary.

PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment will be provided without cost to employees.

Gloves shall be worn where it is reasonable anticipated that employees will have hand contact with blood, other potentially infectious materials, non-intact skin, and mucous membranes.

Gloves will be used for the following procedure:

- a. Cleaning up blood/emesis
- b. Cleaning open wounds
- c. Performing first aid
- d. Performing lab tests such as urinalysis
- e. Any blood drawing

Disposable gloves are not to be washed or decontaminated for re-use and are to be replaced as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Utility gloves may be decontaminated for re-use provided that the integrity of the glove is not compromised. Utility gloves will be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration, or when their ability to function as a barrier is compromised.

FACILITIES WILL BE CLEANED AND DECONTAMINATED as follows:

- a. All facilities that have the possibility of body fluid spills, seepage, and/or any other ways of contamination must be cleaned on a regularly scheduled basis. These facilities must be maintained in a sanitary condition to control the possibility of a harmful exposure.
- b. Restrooms must be cleaned and mopped with a disinfectant daily.
- c. Trash receptacles will have liners in them at all times.
- d. Employees are not to reach into trash receptacles to empty them.
- e. All trash removed from the facility shall be placed in containers and placed into dumpsters.

LAUNDRY PROCEDURES

Laundry contaminated with blood or other potentially infectious materials will be handled as little as possible. Such laundry will be placed in appropriately marked bags at the location where it was used.

All employees who handle contaminated laundry will utilize personal protective equipment to prevent contact with blood or other potentially infectious materials.

POST-EXPOSURE EVALUATION AND FOLLOW-UP

When the employee incurs an exposure incident, it must be reported on the Alameda County Schools Insurance Group (ACSIG) Employee's Claim For Worker's Compensation Benefits form. The supervisor must complete Employer's Report (form 5020). Both forms must be sent to the personnel technician for processing.

All employees who incur an exposure incident will be offered post-exposure evaluation and follow-up within 24 hours in accordance with the CAL/OSHA standard.

This follow-up will include:

- a. Documentation of the route of exposure and the circumstances related to the incident.
- b. If possible, the identification of the source individual and, if possible, the status of the source individual.
- c. The employee will be offered the option of having his/her blood collected for testing of the employee's HIV/HBV serological status.
- d. The employee will be offered post-exposure prophylaxis in accordance with the current recommendations of the U.S. Public Health Service. These recommendations are currently as follows:
 1. Begin the Hepatitis B vaccine series. If the employee has already had the series, give Hepatitis B booster.
 2. Hepatitis B or booster must be given within 24 hours of exposure. It will be given at no cost to the employee.
 3. If the employee chooses not to be vaccinated, he/she must sign a declination form.

TRAINING

Mandatory training is based on standards set by California OSHA. All new hires must sign up and attend the training on the date closest to the hire date. The personnel technician will provide you with a list of training dates. Training is conducted by Fremont Unified School District.

First Reading:	May 25, 2000
Second Reading:	June 22, 2000
Adopted:	June 22, 2000

RE-USE OR ADAPTATION OF MATERIALS

Materials created by MVROP employees during work hours or for which they were paid salary or wages, or created with the use of MVROP equipment or materials, are the property of the ROP and may be re-used or adapted by any unit of the ROP for ROP purposes unless there is good cause to limit such re-use or adaptation. Whenever feasible, ROP employees should be given appropriate recognition for their creative efforts.

The use, re-use or adaptation of materials created by vendors, volunteers, employees outside of work hours, or other third parties may be restricted by law or contract. Any ROP employee seeking to re-use or adapt such materials shall first obtain the authorization of the responsible administrator or the unit by, in or for which the material was created.

First Reading:	May 25, 2000
Second Reading:	June 22, 2000
Adopted:	June 22, 2000

STAFF DEVELOPMENT

Staff development is viewed by the Council as a continuous, systematic effort to improve the ROP through staff involvement in organized program planning, implementation, and evaluation efforts and activities to upgrade the knowledge and ability of the total ROP staff.

Certificated

In our rapidly changing society, teachers must constantly review curricular content, teaching methods and materials, educational philosophy and goals, social change, and other topics related to education and training. The Council recognizes that it shares with its certificated staff responsibility for the upgrading and updating of teacher performance and attitudes. The Council supports the principle of continuing training of teachers and the improvement of instruction.

Staff development activities should respond directly to the educational needs of students, including: (a) currency of occupational training, (b) methodological areas such as motivation, teaching techniques and classroom management, and (c) affective areas of interpersonal relations of students and staff, student growth and development, and staff communication, problem solving, and decision—making.

The Superintendent is encouraged to provide the staff with developmental opportunities in areas such as the following:

1. Visits to other classrooms and other ROP's.
2. Conferences involving other personnel from the districts served, county, state, region, or nation.
3. Membership in committees drawing personnel from various sources.
4. Training classes and workshops offered by the ROP, county, or other appropriate agency.
5. Further training in institutions of higher learning, including credit courses conducted in the ROP region or nearby, instead of the college campus, whenever possible.
6. Professional conferences.

Classified

The Council directs the Superintendent to provide classified staff members with opportunities to improve their job skills so they can

perform their duties more efficiently and/or prepare themselves for more responsible, higher-paying positions within the ROP.

Such opportunities include, but are not limited to, the following:

1. Visits to other ROP's
2. Conferences involving other classified personnel from other ROP's, the county, state, region, or nation, either in the employee's job classification or in a higher classification.
3. Training classes and workshops offered by the ROP, county, or other appropriate agency.

Legal Reference:	Education Code
44032	Payment of expenses; advance of funds; direction of travel by governing board
44570-44578	In service training personnel, secondary education
44670-44680.9	School personnel staff development and resource centers
45380-45387	Retraining and study leave (classified)

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

ATTENDANCE AT CONFERENCES SPONSORED BY PROFESSIONAL ASSOCIATIONS

Attendance by Mission Valley ROP personnel at conferences sponsored by professional associations may be granted in specific instances where the program and activities are deemed to be of value to the ROP. The Superintendent may also approve attendance at specified conferences with the full cost, including substitutes, borne by the sponsoring association when the activities are related primarily to association affairs.

The Superintendent may recommend attendance with partial or full reimbursement when participation will be of significant value to the assigned duties of the employee and to the interests of the ROP.

All requests for attendance must be approved by the supervising administrator or Superintendent in advance. Requests must be submitted in sufficient time for proper evaluation to occur and must be accompanied by:

1. A copy of the proposed agenda or program.
2. A statement of anticipated benefits to be gained from the conference as related to the assigned duties of the individual and to the interests of the ROP.
3. In the event that partial or full reimbursement is requested, a Travel Advance Request stating anticipated expenses of the conference (if any) which the ROP will be asked to reimburse, must be submitted in accordance with regulations relating to Travel Advance Requests.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM/CENTER
 Certificated Personnel
 Salary Advancement Guidelines

A contracted certificated instructor may advance on the salary schedule by receiving college units after their hire date. All units received/completed prior to hire will count only for original placement on the salary schedule. **All courses taken for unit advancement must be preapproved by the program manager.**

Units for salary advancement may be acquired in the following ways:

1. Official proof of completion in a course, within one year of completion, from an accredited college, university **or MVROP**. The course must be in an area related to the teachers credential or instructional area, or to advance to a college or university degree (A.A./A.S., B.A./B.S., M.A./M.S.). The course may not be paid for by the ROP. **Courses taken at MVROP will be awarded one unit per 16 hours of attendance.**
2. Participation on an officially approved Mission Valley ROP committee. Every 8 hours will equal .5 units of credit (or every 16 hours equals one unit of credit) with a maximum of 2 units per year count towards salary advancement. A form requesting unit credit for committee participation must be submitted within the year of participation and approved by the director of Educational Services. Only the hours for which the instructor was not paid may count for advancement. Regularly required job responsibilities, such as Advisory Committees, will not count for advancement. Some officially approved ROP committees are:
 - Teacher Evaluation Committee
 - Student-of-the-Year Awards Committee
 - Budget Liaison Committee
 - Safety Committee

For salary advancement to be effective 7/1 (only for 7/1 to 6/30 contracted instructors) verification of units must be received by 6/30.

For salary advancement to be effective 9/1, official verification must be received by 8/30. While the effective date of the salary increase may be 9/1, salary may not be paid until the 11/30 paycheck (but will still be retroactive to 9/1).

3. Courses required for the Designated Subjects Teaching Credential for which units are not awarded Example: CPR. The course may not be paid for by the ROP and must be taken on unpaid time. To receive credit in this area, complete the form "Request for Units from Committee Participation". Proof of completion must be attached to that form.

Regulation established: November 5, 1992

Revised: December 5, 1996

MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM/CENTER
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2. Participation on an officially approved Mission Valley ROP committee. Every 8 hours will equal .5 units of credit (or every 16 hours equals one unit of credit) with a maximum of 2 units per year to count towards salary advancement. A form requesting unit credit for committee participation must be submitted within the year of participation and approved by the Director of Educational Services. Only the hours for which the instructor were not paid may count for advancement. Regularly required job responsibilities, such as Advisory Committees, will not count for advancement. Some officially approved ROP committees are:

Teacher Evaluation Committee
 Student-of-the-Year Awards Committee Budget Liaison
 Committee
 Safety Committee

For salary advancement to be effective 7/1 (only for 7/1 to 6/30 contracted, pre-paid instructors) verification of units must be received by 6/30.

For salary advancement to be effective 9/1, official verification must be received by 9/30. While the effective date of the salary increase may be 9/1, salary may not be paid until the 11/30 paycheck (but will still be retroactive to 9/1).

3. Courses required for the Designated Subjects Teaching Credential for which units are not awarded. Example: CPR. The course may not be paid for by the ROP and must be taken on unpaid time. To receive credit in this area, complete the form "Request for Units from Committee Participation". Proof of completion must be attached to that form.

Regulation established: November 5, 1992

COMPLAINTS

The Council recognizes that provisions for dealing with complaints are an essential part of good personnel administration.

The Council expects the Superintendent to establish procedures for dealing promptly and equitably with complaints which may be resolved quickly without resorting to more formal complaint procedures.

Specific procedures shall be established for individuals to appeal their problems to the Council if redress is not obtained through established channels.

Legal Reference:
3543

Government Code
Public school employees' rights

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

COMPLAINT PROCEDURE

Section 1. Definitions

A "complainant" shall mean any employee filing a complaint.

A "complaint" is defined as a written statement, signed by the complainant, that alleges a violation, misinterpretation, or inequitable application of Council policies, administrative rules, regulations or procedures, or existing laws.

"Employer" shall mean the ROP Governing Council.

"Days" shall mean working days.

In addition to the definitions above, it is recognized that there may be occasions when an employee complaint may be directed against another person who becomes a "party in interest" or an individual may be required to take action, and thereupon would have an interest in the complaint. Therefore, a "party in interest" shall be defined as the complainant, or any person who might be required to take action, or against whom action might be taken in order to resolve the problem.

Section 2. Procedures and Steps

- Step 1. The complainant shall deliver the complaint to the Superintendent.
- Step 2. The Superintendent or his/her designee shall have ten (10) days to give a written decision after receipt of the complaint.
- Step 3. If the complaint is not settled in Step 2, the complainant shall move to Step 3 by written notice to the Superintendent within ten (10) days of receiving the decision in Step 2. The Superintendent shall have ten (10) days to give a written decision after receipt of the complainant's notice.
- Step 4. If the complaint is not settled in Step 3, the complainant may within ten (10) days move to Step 4 by providing the Superintendent with a request in writing for a presentation to the Council regarding the complaint at its regularly scheduled Council meeting. The presentation will be made in Closed or Open Session, as determined by the complainant.

The Council will render a decision in the matter no later than the next regularly scheduled Council meeting. The Council's decision will be reached in a manner to be determined by the Council and will be deemed the final administrative remedy.

- Step 5. All levels of the Complaint Procedure as outlined above must be followed unless all parties in interest agree to waive their rights to normal complaint processing. Any deviations from the procedure will not be permitted.

Section 3. No Reprisals

No reprisals shall be taken against any employee for processing a complaint or participating in any way in the complaint procedure.

Section 4. Released Time

Except for the level of Council review, complaints will ordinarily be processed during the regular work day, and reasonable release time shall be provided for all participants in the investigating and processing of complaints, including the complainant, parties in interest, and witnesses, without loss of pay.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

A. Definition of Disciplinary Action

Disciplinary action is defined as follows:

1. Dismissal - Removal from the employment of the MVROP
2. Suspension - Temporary removal from service for a specified period of time with or without pay.
3. Involuntary Demotion - Placement in a lower classification without the employee's written consent.
4. Involuntary Reassignment - A change of assignment that may involve an assignment to a location not of the employee's choice.

B. Causes for Disciplinary Action

Classified employees shall be subject to disciplinary action for cause only. The following are examples of performance or behavior that may result in disciplinary action. This list is representative and does not exhaust all possible situations where disciplinary action may be required.

1. Unauthorized absence
2. Commitment or conviction of any criminal act, whether a misdemeanor or felony. As used herein conviction means "a plea or verdict of guilty or finding of guilt by a court in a trial without a jury or a plea."
3. Unsatisfactory or negligent job performance.
4. Suspension, revocation or expiration of any license which is required for the employee's performance of job duties.
5. Insubordination, including actions involving a resistance to, or defiance of, or refusing to carry out a superior's lawful orders.
6. Fighting, coercing, interfering with or threatening bodily injury to other employees, supervisors, suppliers, customers, citizens or students.
7. The use of abusive or threatening language toward fellow employees, supervisors, suppliers, customers, citizens or students.
8. Use, possession, sale or being under the influence of alcohol or illegal drugs during assigned working hours or while on MVROP property, or reporting to work under the influence of alcohol or illegal drugs.
9. Physical and/or mental inability to perform assigned duties.
10. Neglectful or willful damage to public property or waste of public supplies or equipment.
11. Unsafe operation of any motor vehicle or machinery on MVROP property or while in the MVROP's service.
12. Stealing, sabotage, willful damage, abuse, or destruction of MVROP property, tools, or equipment or the property or equipment of a supplier, customer, or another employee or failure to report any of the above.
13. Dishonesty, including but not limited to any deliberate falsifications or misrepresentation, misleading, or incorrect information in connections with the

preparation of MVROP records such as employment applications, time sheets or payroll records.

14. Violation of any lawful regulation of the MVROP or reasonable order of a supervisor.
15. Inability to work with others to the detriment of the MVROP.
16. Abandonment of position.
17. Discourteous, offensive or abusive treatment of the public, other employees or pupils.
18. Failure to maintain licenses or certificates required for the position by law, MVROP policy or job description.
19. Misappropriation of MVROP funds or property.
20. Unauthorized use, possession, conveyance, or storage of any firearms, explosives, or other dangerous weapons.
21. Sleeping during assigned work hours.
22. Causing damage to or loss of MVROP property or the property of others through willfulness or carelessness.
23. Failure to observe working hour schedule, starting time, quitting time, rest and meal periods.
24. Misuses or abuse of leaves of absence, including, but not limited to, pattern and/or frequency of usage, or where it is reasonable to conclude that absences are not due to the reason(s) for which such leave is authorized.
25. Smoking on MVROP property.
26. Being charged with the commission of a sex or narcotics offense as proscribed by the provisions of the Education Code and the Health and Safety Code.

D. Disciplinary Procedures

1. Immediate Suspension

When circumstances exist in which an employee's presence could cause a real and present danger to the welfare or safety of the MVROP, the public, students or employees, the MVROP may immediately suspend that employee with or without pay. Such immediate suspension may be ordered by the Superintendent or his/her designee. Within two (2) working days of any such suspension, the MVROP shall schedule the "informal meeting" described in this policy.

1. Informal Meeting

An employee against whom disciplinary action may be taken shall be invited to meet with the Superintendent or his/her designee prior to written notification of official charges. The purpose of the meeting is to orally inform the employee of the reasons for disciplinary action and the action to be taken and to give the employee an opportunity to respond. The employee shall be told the nature of the meeting prior to the meeting.

1. Written Notice

An employee against whom disciplinary action is taken shall be informed of the following in writing, either in person or by certified/registered mail to his/her last known address:

Statement of Charges - A statement of the specific charges against the employee shall be written in ordinary and concise language and shall include the cause and the specific acts and omissions on which the disciplinary action is based. No charge, however, shall be made for acts or omissions which occurred prior to the employee's becoming permanent nor more than two (2) years prior to the filing of this statement of charges, unless such facts were concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the MVROP.

Right to Hearing - The employee may request a hearing in writing, either by mail or personal delivery, within five (5) calendar days after service of the statement of charges. A card or letter shall be provided to the employee, the signing of which shall constitute a demand for a hearing and denial of all charges. In the absence of a request for a hearing within five (5) calendar days, the disciplinary action shall be effective on the date set forth in the written notice.

Access to Material - The employee may, upon request, have copies of the material upon which the charges are based.

Representation - The employee has a right to have a representative of the employee's own choice at all stages of this procedure.

E. Formal Hearing

1. A formal hearing shall be held within a reasonable period of time after the filing of a request for a hearing.
2. If the employee does not request a hearing within five (5) days following receipt of the charge, or post office notice of attempt to deliver charges by certificated/registered mail, disciplinary action may be taken without a hearing.
3. The employee may be represented at the hearing by a representative of his or her choice.
4. Technical rules of evidence shall not apply at the hearing.
5. For a suspension of five (5) days or less or for an involuntary reassignment, the hearing shall be delegated to the Superintendent or his/her designee.
6. A suspension of six (6) days or more, demotion, or dismissal shall be conducted by the Governing Council.
7. A hearing before the Governing Council shall be in closed session unless the employee makes a written request for a public hearing at least five (5) days prior to the hearing. The Governing Council may deliberate in the absence of the employee and the administration.
8. The employee shall have the right to personally appear and testify, to call witnesses and to cross-examine witnesses called by the administration.

9. The Governing Council shall prepare written findings of fact and determination of issues within seven (7) calendar days after the hearing is completed.
10. A copy of the written decision will be mailed to the employee and the employee's representative by certified/registered mail within ten (10) calendar days of the conclusion of the hearing.

First Reading: 2/13/97
Second Reading: 2/18/97
Adopted: 2/18/97

PAYMENT FOR DAMAGED PROPERTY

The Governing Council shall consider reimbursing certificated and classified personnel for loss, damage, or destruction of personal property, excluding automobiles, while on official duty when such loss results from force or violence unlawfully perpetrated upon the employee while on official duty. Losses shall be reported to a law enforcement agency. Reimbursement shall be limited to the amount not covered by personal insurance.

First Reading:	May 25, 2000
Second Reading:	June 22, 2000
Adopted:	June 22, 2000

LEAVES/VACATIONS

Personnel of the ROP may wish or be required to be absent for several reasons:

1. Those caused by personal sickness or injury, pregnancy, jury duty, military service, or emergencies beyond their control.
2. Those governed by compassion or conviction such as family illness, bereavement, religious observances, and other personal reasons.
3. Those stemming from occupational status such as attendance at meetings, conventions, inservice courses and seminars, and other patterns of additional study.
4. Those provided by scheduled vacations.

The Council recognizes that absences for such reasons are justifiable and will provide for employee absences as authorized by law, and as permitted by the Council in the following policies and regulations.

Long-Term Leaves

Employees may be granted long-term leaves of absence as permitted by law and specific ROP policies or regulations. The Council reserves the right to specify the conditions under which long-term leaves may be granted.

At the expiration of a long-term leave, a certificated employee may be reinstated in a vacant position that his or her credential authorizes him/her to teach. A classified employee, upon resumption of service after a long-term leave, may be restored to a vacant position within the class to which he/she was assigned.

Other

The Superintendent may recommend to the ROP Governing Council that other leaves of absence be granted to employees when considered to be in the best interest of the ROP and the welfare of the employee. Such leaves of absence must have prior administrative approval. The leaves are all without pay.

Legal Reference: Next Page

Legal Reference: Education Code

44036 Leaves of absence for judicial and official appearances
44037 Unlawful to encourage exemption from jury duty
44940 Sex offenses and narcotic offenses; compulsory
leave of absence
44962-44986 Leaves of absence
45190-45307 Leave of absence, vacation - classified

Government Code

3543.2 Scope of Representation

First Reading: Second	September	12,	1991
Reading: Adopted:	December	12,	1991
	December	12,	1991

Family and Medical Leave Act

Per ROP Board Policy 4160 (1) employees may be granted long-term leaves of absence as permitted by law and ROP Policies or regulations.

Effective August 5, 1993, the Federal Family and Medical Leave Act (FMLA) requires all employers with 50 or more employees to give workers up to 12 week of unpaid leave for family care and/or medical purposes. Employees are eligible for FMLA leave after 12 months of employment and if they have worked at least 1,250 hours during the preceding 12 month period.

The FMLA allows employees to take up to 12 weeks of leave in a twelve month period. A twelve month period is measured forward from the date any employee's first FMLA leave begins. Thus if your Family Medical Leave begins January 13, 1998, you would be eligible for another FMLA January 13, 1999

Regulation established: January 5, 1998

PERSONAL ILLNESS AND INJURY

1. Full Time Contracted Employees:

- a. Ten (10) days of sick leave at full pay shall be available to each full-time contracted certificated employee of the ROP for person illness or injury at any time during the school year. However, an employee beginning service for the ROP after the start of a fiscal year or of a school year, as the case may be, shall be eligible only for the number of days of sick leave computed at the rate of one day of sick leave for each month of service. This leave may be accumulated without limit.
- b. Two (2) days at full pay may be available to each full-time contracted certificated employee for family illness each year. This leave may not be accumulated and may be used to care for the illness of a spouse, mother, father, or child.
- c. For those employees beginning service after the start of the school year, major fractional parts of a month which constitute 50% or more of the school days shall be regarded as a full month.
- d. The ROP shall provide each teacher each year with a written statement of 1) accrued sick leave total and, 2) sick leave entitlement for the school year.
- e. In the case of three (3) consecutive days of absence, the ROP may require a doctor's verification of illness or injury.

2. Part-time Contracted Employees:

Part-time contracted employees shall accrue sick leave as time served is proportional to the time served -by a full-time employee.

3. Extended Illness:

A regular contracted employee who is absent from duty because of illness or injury shall receive for a period of not to exceed 100 days beyond his or her accumulated sick leave, the difference, if any, between his/her regular salary and the rate paid to a substitute whether or not a substitute is employed.

See attached for legal references

Legal Reference: Education Code

44964	Power to grant leave of absence in case of illness, accident, or quarantine
	Granting leaves of absence for pregnancy and childbirth
44965	Salary deduction during absence from duties
44977	Provisions for sick leave of certificated employees
44978	Leave for compelling personal importance
44978.5	Transfer of accumulated sick leave
44879	Transfer of accumulated leave for injury or illness
44980	Leave of absence for personal necessity
44981	Exception to sick leave when district adopts specific rule
44983	

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

PERSONAL ILLNESS AND INJURY

Any injury, no matter how trivial, to an employee while on duty must be reported at once to the immediate supervisor who will submit within twenty—four (24) hours a written report to the Business Office. Such injuries or accidents are covered by State Compensation Insurance Fund.

When a certificated employee is absent from his/her duties because of an industrial accident or illness, the following rules shall apply:

1. Allowable leave for any single accident or illness shall be sixty (60) days for each accident or illness during which the ROP classes are in session, or when the employee would otherwise have been performing work for the ROP in any one school year.
2. Allowable leave shall not accumulate from year to year.
3. Industrial accident or illness leave shall start on the first day of absence.
4. An employee on allowable leave for industrial accident or illness shall be paid such portion of the salary due for any month in which the accident occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee or not more than his/her full salary.
5. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
6. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury. On expiration of allowable leave for an industrial accident or illness leave, the employee may use personal illness and injury leave as provided by Education Codes 44977, 44978, and 44983. If the employee continues to receive temporary disability indemnity, he may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary.

During any paid leave of absence, the employee may endorse to the ROP the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the ROP will issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants.

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Governing Council authorizes travel outside the state.

Legal Reference: Education Code
 44984 Required rules for industrial
 accident and illness leave of absence.

First Reading: September 12, 1991
Second Reading: December 12, 1991
Adopted: December 12, 1991

HOW SICK / PERSONAL LEAVE IS EARNED

POSITION	FULL-TIME BASIS	DAYS / SICK LEAVE EARNED
Instructor	6 or 7 hrs/day (prep included) 10 mos/year	10 days per year
Classified Staff	40 hrs/wk 12 mos/year	12 days per year
Technology Specialist Technology Aide	7 hrs/day 192 days/10 mos	10 days per year
Manager under PERS Retirement system	40 hrs/wk 12 mos/year	18 days per year
Manager under STRS Retirement system*	40 hrs/wk 12 mos/year	12 days per year

*Effective July 1, 2005

First Reading: September 12, 1991
 Second Reading: December 12, 1991
 Adopted: December 12, 1991
 Revised: June 15, 2005
 Board Approved: June 15, 2005

HOW SICK/PERSONAL LEAVE IS EARNED

<u>Position</u>	<u>Full-Time Basis</u>	<u>Hours Sick Leave Earned</u>
Instructor	6 hrs/wk (prep included) 10/mo/year	10 days per year
Central Office/ Classified Staff	40 hrs/wk 12/mo/year	12 days
Guidance Technician	40 hrs/wk	96 hrs/year
Administrator	40 hrs/wk less than 12/mo year	132 hours
Administrator	40 hrs/wk 12/mo/year	144 hours

The classified number months/year of assignment is determined as follows:

<u>Assignment</u>	<u>Days per Year</u>	=	<u>Months per Year</u>
	186-206		10 months
	207-227		11 months
	228-248		12 months

First Reading: September 12, 1991
 Second Reading: December 12, 1991
 Adopted: December 12, 1991
 2nd Reading/Policy Revision/Adoption: June 15, 2005

SUMMER OR HOURLY SICK LEAVE PROVISIONS

No sick leave is earned for service through a summer or hourly session of employment.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

PERSONAL NECESSITY LEAVES

Bereavement

Absence without loss of salary shall be allowed any regular employee for a period not to exceed three (3) days upon the death of a member of the immediate family, which includes: the spouse, son, daughter, mother, grandmother, mother-in-law, father, grandfather, father-in-law, brother, brother-in-law, sister, sister-in-law, of the employee or any relative living in the immediate household of the employee.

An additional two (2) days per occurrence, without loss of salary, may be granted in situations where extended travel is required.

Witness and Jury

Employees may be absent from duty to serve on a jury or to appear as a subpoenaed witness in ROP-related litigation (or, at the discretion of the Superintendent, personal business) without loss of pay. Notices, summons and subpoenas for court appearances and/or depositions shall be submitted to the Personnel Office when a request for leave is made.

Any jury or witness fee received by the employee, minus the amount for necessary mileage and other expenses connected with the court appearance, shall be returned to the ROP.

Personal Use of Sick Leave

An employee may use a maximum of seven (7) days of accumulated sick leave days for personal use in any fiscal year. However, an employee who chooses to do so shall provide 24 hours minimum advance notice.

- 1 An employee may use sick leave only for the following personal reasons:
 - a. Paternity and adoption leave
 - b. Personal business, provided that it is not the beginning or end of a semester.
 - c. Religious observance.
 - d. Appearance in court as a litigant or witness under official court order.

Military leave shall be given pursuant to provisions in the Education Code and Military and Veterans Code.

- 2 The ROP may allow an employee to use sick leave for personal reasons without providing 24 hours advance notice for the following reasons:

PERSONAL NECESSITY LEAVES (continued)

- a. Extension of bereavement allowance in the death of a member of immediate family.*
 - b. Accident, involving the person or property of the employee or a member of the employee's immediate family.*
 - c. Serious or critical illness of a member of the employee's immediate family.*
3. If a personal necessity that requires not more than one period/hour exists, an employee, on approval of the administration, may arrange for another employee to cover his/her classes. Such one period/hour absence shall not be charged to personal necessity leave nor shall an employee suffer any loss of pay. If a personal necessity requires two periods/hours or more of absence, an employee shall be charged proportionately for the time absent.

*as defined in bereavement above

Legal Reference: Education Code

44036	Leaves of absence for judicial and official appearances
44037	Unlawful to encourage exemption from jury duty
44963	Power to grant leaves of absence (certificated personnel)
44964	Power to grant leave of absence in case of illness, accident or quarantine.
44965	Granting leaves of absence for pregnancy and childbirth
44978	Provisions for sick leave of certificated employees
44981	Leave of absence for personal necessity
44983	Exception to sick leave when district adopts specific rule
44985	Leave of absence due to death in immediate family (certificated personnel)
44994	Leave of absence due to death in immediate family (classified personnel)
45190	Leaves of absence and vacations
45198	Effect of provisions authorizing leaves of absence (classified personnel)
45207	Personal necessity

First Reading: December 2, 1999
 Second Reading: January 20, 2000
 Adopted: January 20, 2000

VACATION

Classified

Classified non-management employees shall earn vacation credit at the prescribed rate as part of his/her compensation.

Classified management employees who work full-time shall earn twenty (20) days vacation each work year.

Vacations are to be arranged as to provide for maximum efficiency of the operations at all times, and are to be taken during the year earned or during the subsequent twelve (12) months.

Upon separation, employees may be paid for vacation earned but not used the prior year and vacation earned but not used during the current year.

Certificated Non-Teaching

Twelve-month certificated non-teaching employees who work full time are entitled to twenty (20) days of vacation during each annual contract period.

Vacations are to be arranged so as to provide for maximum efficiency of the operations at all time and are to be taken during the year earned or during the subsequent twelve (12) months.

Upon separation, employees may be paid for vacation earned but not used the prior year and vacation earned but not used during the current year.

Legal Reference: Education Code 45197

First Reading: December 20, 2001

Second Reading: January 24, 2002

Adoption: January 24, 2002

CLASSIFIED EMPLOYEES VACATION BENEFITS

Vacation is earned at the rate of one working day per each full month of services as a new regular employee during the first two years of employment. Employees who work less than full time shall receive prorated vacation benefits. The vacation schedule is shown below:

<u>Years of Service</u>	<u>Number of Vacation Days</u>
1-4	13
5-8	18
12+	23

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

PERSONAL NECESSITY LEAVES

Bereavement

Absence without loss of salary shall be allowed any regular employee for a period not to exceed three (3) days upon the death of a member of the immediate family, which includes: the spouse, son, daughter, mother, grandmother, mother-in-law, father, grandfather, father-in-law, brother, brother-in-law, sister, sister-in-law, of the employee of any relative living in the immediate household of the employee.

An additional two (2) days per occurrence, without loss of salary, may be granted in situations where extended travel is required.

Witness and Jury

Personnel may be absent from duty to serve on a jury or to appear as a subpoenaed court witness (private business at the discretion of the Superintendent) without loss of pay. It shall be the responsibility of each person, selected to serve, to notify the personnel department immediately.

Any amount paid for services on a jury or as a witness becomes due and payable to the ROP, except an employee may retain any fee paid as a travel allowance.

Personal Use of Sick Leave

An employee may use accumulated sick leave days for personal use purposes. Use of accumulated sick leave under this policy shall be limited to six (6) days in any fiscal year.

1. Reasons to be considered for emergency (requiring no prior notification) leave are limited to:
 - a. Extension of bereavement allowance in the death of a member of *immediate family.
 - b. Accident, involving the person or property of the employee or a member of the employees *immediate family.
 - c. Serious or critical illness of a member of the *immediate family.

2. Reasons to be considered for personal use (requiring a minimum of 24 hours advanced notice) are limited to:

- a. Paternity and Adoption Leave
- b. Personal business provided that it is not the beginning or end of a semester.
- c. Religious observance.
- d. Appearance in court as a litigant or witness under official court order.
- e. Military leave shall be given pursuant to provisions in the Education Code and Military and Veterans' Code.

3. If a personal necessity that requires not more than one period/hour exists, an employee, on approval of the administration, may arrange for another employee to cover his/her classes. Such one period/hour absence shall not be charged to personal necessity leave nor shall an employee suffer any loss of pay. If a personal necessity requires two periods/hours or more of absence, an employee shall be charged proportionately for the time absent.

*as defined in bereavement above

Legal Reference: Education Code

44036	Leaves of absence for judicial and official appearances
44037	Unlawful to encourage exemption from jury duty
44879	Transfer of accumulated sick leave
44963	Power to grant leaves of absence (certificated personnel)
44964	Power to grant leave of absence in case of illness, accident or quarantine.
44965	Granting leaves of absence for pregnancy and childbirth
44977	Salary deduction during absence from duties
44978	Provisions for sick leave of certificated employees
44978.5	Leave for compelling personal importance
44980	Transfer of accumulated leave for injury or illness
44981	Leave of absence for personal necessity
44983	Exception to sick leave when district adopts specific rule
44985	Leave of absence due to death in immediate family (certificated personnel)
44987	Leave to serve on specified boards, commissions, etc.
44994	Leave of absence due to death in immediate family (classified personnel)
45198	Effect of provisions authorizing leaves of absence (classified personnel)
45207	Personal necessity

First Reading:
 Second Reading
 Adopted:

September 12, 1991

VACATION

Classified

Classified non-management employees shall earn vacation credit at the prescribed rate as part of his/her compensation. The maximum accumulated vacation for Classified non-management employees shall be thirty-three (33) days.

Classified management employees who work full-time shall earn twenty (20) days vacation each work year.

The maximum accumulated vacation for Classified management shall be thirty-five (35) days.

Vacations are to be arranged as to provide for maximum efficiency of the operations at all times, and are to be taken during the year earned or during the subsequent twelve (12) months.

Classified employees may carry over a maximum of 15 days of vacation to the subsequent year.

Upon separation, employees may be paid for vacation earned but not used the prior year and vacation earned but not used during the current year.

Certificated Non-Teaching

Twelve-month certificated non-teaching employees who work full time are entitled to twenty (20) days of vacation during each annual contract period.

The maximum accumulated vacation for Certificated non-teaching employees shall be thirty-five (35) days.

Vacations are to be arranged so as to provide for maximum efficiency of the operations at all time and are to be taken during the year earned or during the subsequent twelve (12) months.

Certificated non-teaching employees may carry over a maximum of 15 days of vacation to the subsequent year.

Upon separation, employees may be paid for vacation earned but not used the prior year and vacation earned but not used during the current year.

Legal Reference: Education Code 45197

First Reading: December 20, 2001

Second Reading: January 24, 2002

Adoption: January 24, 2002

1st Reading/Policy Revision: November 28, 2007

2nd Reading/Policy Revision/Adoption: December 19, 2007

ADMINISTRATIVE COMPETENCE IN EVALUATION

It is the intent of the Council to certify that personnel assigned to evaluate teachers have demonstrated competency in instructional methodologies and evaluation of instruction. The Superintendent shall determine a program leading to evaluation certification and shall recommend to the Council qualified evaluators of instruction. The Council shall approve criteria developed by the Superintendent and certify the competence of personnel recommended by the Superintendent as having met the criteria. Performance standards established as a result of this policy shall be communicated to all affected individuals.

This policy shall be reviewed bi-annually by the Governing Council.

Legal Reference:	Education Code
33039	State guidelines for teacher evaluation procedures
35160.5	Requirement of district policies for competency of personnel assigned to evaluate
35171	Availability of rules and regulations for evaluation of performance
44660-44665	Evaluation and assessment of performance of certificated employees

Government Code

3543.2	Scope of representation (re-evaluation procedures)
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First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

OVERTIME PAY/COMPENSATORY TIME OFF FOR CLASSIFIED EMPLOYEES

It is the policy of the ROP to provide enough classified personnel to handle the average work load within the ROP. It is accepted that there will be the necessity to complete extra work during various peak load periods or in cases of unpredicted emergencies. It is the intent that extra work performed at such times would be compensated for the compensatory time off rather than overtime pay.

Legal Reference:	Education Code
45127	Workweek
45128	Overtime
45129	Compensatory time off
45130	Exclusion from overtime provisions
45132	Four—consecutive—day workweek

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

ADMINISTRATIVE COMPETENCE IN EVALUATION

Criteria for certification of qualified evaluators will include but not be limited to:

1. Possession of a valid administrative or supervision credential.
2. Demonstrated understanding of adopted curriculum priorities, policies, and practices; including development, implementation and evaluation.
3. Demonstrated understanding of adopted standards on student progress.
4. Demonstrated competence in instructional methodologies.
5. Understanding of adopted policies and procedures for personnel supervision, performance evaluation, and staff development.
6. Demonstrated skills in supervision of instruction.
7. Demonstrated skills in techniques of evaluation of instruction.

PROCEDURES LEADING TO EVALUATION CERTIFICATION

The Superintendent shall:

1. Identify individual evaluators.
2. Determine that the following qualifications for certification have been met.
 - a. Possession of a valid administrative or supervision credential.
 - b. Existence of appropriate adopted policies and procedures.
 - c. Competencies in instructional methodologies.
 - d. Competencies for supervision of instruction.
 - e. Techniques and procedures for evaluation and instruction.
3. Assess individual evaluator's demonstration of competencies.
4. Develop a professional improvement program for/with each evaluator.
5. Implement professional improvement programs.

6. Develop and implement system for monitoring each evaluator's skills and progress.
7. Recommend to the Council those administrators who in his/her opinion qualify for evaluation certification.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

GUIDELINE

OATH OR AFFIRMATION

All employees shall comply with the legal requirements to subscribe to an oath or affirmation to support the institutions and policies of the United States and the State of California.

Legal Reference:

Education Code

60

Person authorized to administer and certify oaths

44334

Oath of Affirmation

44354

Administration of Oath

EXHIBIT

OATH OR AFFIRMATION

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States of America and the State of California."

First Reading: September 12, 1991

Second Reading: December 12, 1991

Adopted: December 12, 1991

EXAMINATION FOR TUBERCULOSIS

New Employees

No person shall be employed initially unless he/she has submitted to a tuberculosis examination with the past thirty (30) days to determine whether he/she is free from active tuberculosis.

Persons transferring from another district shall fulfill the requirements of this policy by either: a) producing a certificate showing that the employee was examined within the last four (4) years and found free of active tuberculosis, b) having the last employing district verify that a current certificate is on file, or c) undergoing the tuberculosis examination.

All Employees

The council requires, at the employee's expense, that a negative report of x-ray examination or patch test for tuberculosis as a condition of employment, each report to be valid for a period of four (4) years.

First Reading:	September	12,	1991
Second Reading:	December	12,	1991
Adopted:	December	12,	1991

GUIDELINE

CERTIFICATION

Responsibility for Renewal

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

No Pay for Invalid Credential

A teacher whose credential is not valid cannot be paid for the time service is rendered under such conditions.

Responsibility for Registration

Each credential actively used by the teacher must be registered with the Office of the County Superintendent of Schools. This is the teacher's responsibility.

Certification and Registration Required

No warrant will be drawn in favor of any person requiring certification until he/she is properly credentialed and registered with the county.

Proficiency in Reading, Writing, and Mathematics

New employees holding a vocational designated subjects credential shall be required to take a proficiency test based on criteria established by the ROP Council for these credentials or provide proof of proficiency in CBEST or a like test. A certificated person who has been employed by another school district in a position requiring certification within thirty-nine (39) months prior to employment in this ROP shall not be required to take the proficiency test.

First Reading:	September 12, 1991
Second Reading:	December 12, 1991
Adopted:	December 12, 1991

MISSION VALLEY ROP/C
CERTIFICATED EVALUATION FORM

INSTRUCTOR _____ DATE: _____

FROM: _____ TO: _____

INSTRUCTIONAL TECHNIQUES AND STRATEGIES USED BY THE TEACHER	0	VG	S	NI
(1) Demonstrates knowledge of teaching techniques and strategies.				
(2) Uses a variety of instructional techniques (methods of presentation).				
(3) Utilizes appropriate student evaluation system.				
(4) Recognizes student achievement.				
(5) Generates student motivation and positive student involvement.				
TEACHERS ADHERENCE TO CURRICULAR OBJECTIVES				
(6) Develops and updates curriculum.				
(7) Curriculum competencies meet industry required outcomes.				
(9) Demonstrates knowledge of subject matter, course content,				
(10) Utilizes certificates of achievement/competencies.				
ESTABLISHES AND MAINTAINS A SUITABLE LEARNING ENVIRONMENT				
(11) Maintains an appropriate learning.				
(12) Establishes and maintains standards of student behavior.				
(13) Has professional and positive working relationships with colleagues, staff, and students.				
(14) Adheres to safety standards.				
(15) Manages and organizes classroom environment.				
ROP REQUIRED DUTIES AND RESPONSIBILITIES				
(16) Keeps appropriate records, complete records, plans and processes budgets, and meets required deadlines.				
(17) Develops and utilizes advisory committee.				
(18) Utilizes notification of failure/improvement.				
(19) Keeps current on new developments in subject matter field. Explain.				
RATINGS				
(20) Classroom Observation Ratings				

Evaluation and Supervision of Classified and Certificated Management

Evaluation is a process whereby the effectiveness of the staff member is appraised in relation to job-related responsibilities and duties, predetermined **ROP** goals and objectives.

The evaluation shall recognize the worth and needs of the individual evaluated in the total working environment and shall lend direction toward improvement of individual effectiveness.

All evaluations will be in written form.

Supervision of management personnel will be conducted by the Superintendent/designees.

Both Certificated and Classified management shall be evaluated at least once every two years.

1st Reading:	11/12/98
2nd Reading:	1/21/99
Adopted:	1/21/99

Evaluation and Supervision of Classified and Certificated Management

1. When hired, all new management employees will receive a copy of the evaluation form and job description. A meeting will be held between the management employee and Superintendent/designee to review and discuss expectations and evaluation procedures.
2. New management personnel shall be evaluated within 1 year of their start date.
3. Both Certificated and Classified management shall be evaluated at least once every two years.
4. An evaluation conference will be held with the management employee and the Superintendent/designee to discuss the evaluation.
5. The management evaluation form will be Form MGTE98.

Mission Valley Regional Occupational Program

MANAGEMENT EMPLOYEE PERFORMANCE EVALUATION

Name of Employee: _____

Classification: _____
 Program/Location: _____

Evaluation Period: _____ through _____
 Mo/Yr Mo/Yr

INSTRUCTIONS:

Give your evaluation as to how this employee has performed relative to each factor listed. Concentrate on one factor at a time and circle the appropriate rating. Use the comments and suggestions section to explain or qualify your ratings.

Rating Scale Code: 1-Superior, 2-Above Average, 3-Satisfactory, 4-Needs Improvement, 5-Not Satisfactory	COMMENTS AND SUGGESTIONS FOR IMPROVEMENT
1. PLANNING, ORGANIZATION, AND OPERATION OF DEPARTMENT	
A. Effectively plans, organizes & implements departmental objectives & activities. 1 2 3 4 5	
B. Establishes priorities and realistic timelines. 1 2 3 4 5	
C. Effectively prepares written documentation. 1 2 3 4 5	
D. Reacts appropriately in a crises or under difficult circumstances. 1 2 3 4 5	
E. Takes responsibility for outcome of decisions. 1 2 3 4 5	
F. Effectively plans and monitors departmental budget. 1 2 3 4 5	
G. Appropriately delegates tasks within job description & maximizes staff abilities & potential 1 2 3 4 5	
H. Initiates needed changes. 1 2 3 4 5	
I. Sets high yet attainable standards. 1 2 3 4 5	
J. Utilizes innovation and skill in developing, demonstrating, and implementing new and/or improved alternatives and approaches. 1 2 3 4 5	
K. Demonstrates appropriate problem solving skills. 1 2 3 4 5	
2. PROFESSIONAL DEVELOPMENT OF STAFF	
A. Effectively utilizes the employee performance evaluation process for staff which includes clarification of expectations, initial training, on-going coaching, and feedback. 1 2 3 4 5	
B. Assists employees to identify and correct job related problems. 1 2 3 4 5	
C. Ensures individual professional development of staff. 1 2 3 4 5	
3. INTERPERSONAL RELATIONSHIP/COMMUNICATION SKILLS	
A. Promotes positive relationships with agencies, school districts, and the community. 1 2 3 4 5	
B. Exhibits the ability to listen with the intent to understand the communicator's point of view and to respond appropriately. 1 2 3 4 5	
C. Treats individuals fairly & equitably. 1 2 3 4 5	
D. Provides clear directions & communicates expected standards. 1 2 3 4 5	
E. Effectively prepares written documentation. 1 2 3 4 5	
F. Seeks additional information & asks questions if unclear about assignments or acceptable performance. 1 2 3 4 5	
4. PROFESSIONAL DEVELOPMENT OF STAFF	
A. Addresses issues openly and objectively. 1 2 3 4 5	
B. Exhibits tact, poise and sound judgment. 1 2 3 4 5	
C. Keeps current with changing issues, trends, and technology related to management responsibilities. 1 2 3 4 5	
D. Effectively participates as a Management Team member. 1 2 3 4 5	
5. PERSONAL PROFESSIONAL DEVELOPMENT	
A. Participates in professional growth activities. 1 2 3 4 5	
B. Participates in professional organizations. 1 2 3 4 5	

G. Focus ON LEARNING					
A. Leads staff in development of schoolwide achievement standards.	1	2	3	4	5
B. Empowers staff and encourages commitment, participation and shared accountability for student learning.	1	2	3	4	5
C. Utilizes comprehensive, schoolwide criteria to assess accomplishment of standards.	1	2	3	4	5

1. What are the employee's areas of greatest strength? Specify examples of outstanding performance and qualities which should be maintained and continued.

2. In what areas does the employee need to improve performance and what steps should be taken by the employee to improve performance? (Give specific examples.)

3. Additional comments:

Follow-up conference scheduled (if desired) _____
(Date)

Employee's signature _____ Date _____
(My signature indicates that I have discussed this evaluation with my supervisor and have reviewed a copy)

Evaluator's signature & title _____ Date _____

Date received for filing in the Personnel Department _____ Date _____
(Date)

DISTRIBUTION:
ORIGINAL Personnel File
COPY: Employee

MGTE98

Employee Use of Technology

User Obligations and Responsibilities

Employees are authorized to use the district's WAN, other on-line services, and work computers in accordance with employees' obligations and responsibilities specified below.

1. The employee in whose name an on-line services account is issued is responsible for its proper use at all times. Employees shall keep personal account numbers, home addresses, and telephone numbers private. They shall use the system only under their own account number.
2. Employees shall use the WAN system and work computers only for purposes related to their employment with the district. Commercial and political use of the system is strictly prohibited. Personal use of a work computer for projects outside the scope of employment is inappropriate. The district reserves the right to monitor any on-line communications and computer time for improper use.
3. Employees shall not use the system to promote unethical practices or any activity prohibited by law or district policy.
4. Employees shall not transmit material that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex orientation, age, disability, religion, or political beliefs.
5. Copyrighted material may not be placed on the system without the author's permission. Employees may download copyrighted material for their own use only and only in accordance with copyright laws.
6. Vandalism will result in the cancellation of employee privileges. Vandalism includes purposeful uploading, downloading, creating computer viruses, and or any malicious attempt to harm or destroy district equipment or materials or the data of any other use.
7. Employees should observe appropriate judgment and ethics in sending electronic mail as representatives of the district. The district reserves the right to monitor e-mail transmissions and computer use on a need-to-know basis.
8. Employees are encouraged to keep messages brief and use appropriate language.
9. Employees shall report any security problem, misuse of the network, or misuse of work computers to the Superintendent or designee.
10. This policy and administrative regulation will be reviewed to reflect the changes in practices, technology, and the law.

Regulation Established: April 1, 2003
Regulation Revised: October 17, 2007
Regulation Adopted: October 17, 2007

Employee Use of Technology

**MISSION VALLEY ROP
EMPLOYEE TECHNOLOGY USE AGREEMENT**

Internet access is coordinated through a complex association of government agencies and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided in our district Board Policy 3590 so that you are aware of the responsibilities you are about to acquire. In general, this requires efficient, ethical, and legal utilization of the network resources. If a Mission Valley ROP employee violates any of these provisions, his/her account will be terminated and future access could possibly be denied. The signature(s) at the end of this document is (are) legally binding and indicate(s) the party (parties) who signed and has (have) read the terms and conditions carefully and understand (s) their significance.

NETWORK ETIQUETTE

You are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

1. Be polite. Be brief. Do not be abusive in your messages to others,
2. Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language. Illegal activities are strictly forbidden.
3. Do not reveal your personal address or phone numbers of students or colleagues.
4. **Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.**
5. Do not use the network in such a way that you would disrupt the use of the network by other users.
6. All communications-and information accessible via the network should be assumed to be private property.

I have read the Internet Use Agreement. I agree to follow the rules contained in the Board Policy and Administrative Regulation. I understand if I violate the rules, my Internet access can be terminated and I may face progressive disciplinary action and/or possible legal action.

Employee's Name (please print): _____

Location: _____ Date: _____

Employees Signature: _____

MISSION VALLEY REGIONAL OCCUPATIONAL PROGRAM

Philosophy

The Mission Valley Regional Occupational Program Council recognizes the Internet as a vital educational vehicle for accessing information from millions of resources all over the world. The Council supports the opportunities offered via Internet for "electronic field trips" to distant locations and for instructors to utilize new and innovative curriculum. Mission Valley Regional Occupational Program Internet accounts will be used for the purposes of research, education, and school-related business and operations. Such broad access to computers, communications systems, and people also bring access to materials that may not be considered to be of educational value within the context of the school setting. The Council considers that the information and interaction available outweigh the possibility of users procuring material that is not consistent with the educational goals of the ROP. It is essential that guidelines be established so that instructional goals can be achieved, information that does not support classroom learning can be avoided, and students' privacy rights are protected. Users shall have no expectation of privacy in their own use of the network. Access to harmful materials as defined by Penal Code section 313 shall be prohibited.

The Council authorizes the ROP Superintendent to prepare and implement administrative regulations for use of this important resource. The Council emphasizes that careful consideration is to be given to requirements and regulations for all staff and students to limit such use to the advancement of learning within the relevant curriculum and to actively avoid any information that is inappropriate to and/or does not support classroom learning.

All users must sign an Acceptable Use Contract which incorporates this policy and relevant administrative regulations.

First Reading:	January 22, 1998
Second Reading:	February 26, 1998
Adopted:	February 26, 1998

STUDENTS- 5000 SERIES

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Concept and Roles in Student Personnel

The focus of the Mission Valley Regional Occupational Program is on the learner, the student. His/Her educational development toward the school's goals is the central concern of the Council's policies and the Superintendent's regulations.

Each student shall be given equal opportunity. But since students vary widely in abilities, interests, social and economic background, no two can be treated exactly alike if the fullest development of each is to be achieved.

Discrimination among students applying for admission to or attending our school with respect to color, creed, race, sex, religion, and ancestry or natural origin is prohibited.

Legal reference: Title IX of the Education Amendments of 1972 Education Code
200-261 Prohibition of Discrimination on the basis of sex

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Entrance into the ROP

Admission of students is based upon participating schools' recommendations. Preference shall be for those students enrolled in the Twelfth Grade, with adults having the lowest priority.

No restrictions, other than those created by local, state or federal laws, shall be imposed.

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Student Attendance and Excuses

Mission Valley Regional Occupational Program Governing Council desires to insure compliance with the attendance and education laws of the State of California and to protect the health of it's students.

Mission Valley Regional Occupational Program students are expected to attend school regularly and punctually. School officials shall employ every reasonable means to insure this attendance and to secure proper verification when absences occur.

School officials shall maintain a close working relationship with the home. Parents shall be informed of problems as soon as feasible, and every effort shall be extended to secure parental understanding and support for attendance regulations. Rules and regulations shall be clearly communicated to parents and students.

The Superintendent of his/her designee may require reasonable verification of a students absence, allegedly due to illness, in cases where such authority determines that a students absence has been excessive, habitual or recurring, or where it has been unusual.

Legal Reference: Education Code

- 46010-46015 Absences
- 48205 Absence for justifiable personal reasons
- 48260-48273 Truants
- 48292 Filing complaint against parents
- 48320-48324 SARB
- 48340 Improvement of pupil attendance
- 49067 (b) Unexcused absences as cause for failing grade
- California Administrative Code, Title V
- 306 Explanation of absence
- 420 Record of verification of absences

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Student Discipline

General:

The Governing Council believes that a positive learning environment is essential to quality education. To achieve that goal, it is essential that school personnel exercise sound judgment to prevent or protect against behavior which threatens the safety of individuals or property, or which may lead to disruption of learning.

The Governing Council believes that mandatory early parent contact will enable the parents and students to more easily remedy inappropriate school behavior.

The purpose of this policy is to insure that each student has the opportunity to learn in a positive learning environment. It is the policy of Mission Valley Regional Occupational Program to enforce standards of acceptable behavior among all students. To this end, the following basic policies are set:

Students must:

- a. follow local, state, and federal laws while at school;
- b. follow all school rules;
- c. follow all classroom rules; and
- d. respect the property and personal rights of others.

Legal References: Education Code

- 35291 Notice of Discipline Rules
- 48900-48925 Suspension, Expulsion
- California Administrative Code, Title V
- 300 Duties of Pupils
- 302 Pupils neat and clean entering school
- 353 Detention

First Reading: Second	3/12/92
Reading: Adopted:	5/14/92
	5/14/92

Student Discipline - Exclusion

1. Cases of students having filthy or vicious habits or students suffering from contagious or infectious diseases shall be referred to the Superintendent. The Superintendent shall immediately inform the appropriate home school administrator.
2. Cases of students having physical or mental disabilities that cause his/her attendance to be inimical to the welfare of other students, shall be referred to the Superintendent. The Superintendent shall immediately inform the appropriate home school administrator.
3. When the Superintendent and the home school administrator concur, the Superintendent shall present the recommendation for exclusion to the Governing Council for consideration.
4. Reinstatement. Reinstatement will be by action of the G Governing Council upon recommendation of the Superintendent.

Legal References: Education Code

48211, 48212, 48213, 49403, 49451, 49423

Health and Safety Code

3118

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Attendance Records

The Superintendent shall be responsible for maintaining a system of attendance accounting for all students in the ROP, which will serve as a basis for attendance apportionment.

Legal References:

Education Code
52324-52326 Computation in Regional
Occupational Centers and Programs
California Administrative Code, Title V
400 Attendance Records
401 Forms and procedures for recording attendance
402 Attendance that may be counted

First Reading: 3/12/92
Second Reading: 5/14/92
Adopted: 5/14/92

Progress

The primary responsibility of the professional educator within a system of public education shall be to provide the best possible learning experience for the greatest number of students while recognizing the needs of the individual student. Reporting continuous student progress and achievement is consistent with this goal and should be considered an integral part of the teaching and learning process. Reporting student progress and achievement is essential in facilitating communication between the student, his/her parents or guardian, and those within the teaching profession. Finally, the reporting process is intended to assist teacher and learner in evaluating the student's mastery of established course competencies. It is the intention in the Mission Valley Regional Occupational Program Center for a grade to:

- A. Reflect academic achievement.
- B. Be related to established evaluative criteria which are well understood by students and parents, and which are consistently interpreted by teachers.
- C. Be accepted as an objective evaluation of performance and an indication of successful performance at increasingly difficult levels of work.

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Students

BP 5121.1

Credits

Students earn high school credit for their ROP training based upon the number of hours of attendance. The amount of credits earned for these hours of attendance in and ROP course is determined by the Governing Council.

First Reading: Second
Reading: Adopted:

3/12/92
5/14/92
5/14/92

Students Records; Confidentiality

The Governing Council supports the need for and usefulness of keeping records for each student which could reflect the physical, emotional, social and academic aspects of a student's development in the training process.

Information about a student demands judicious use and shall always be used so as to contribute to the student's welfare. Safeguards shall be established by the ROP administration to protect the student and the student's family from invasion of privacy in the collection, maintenance, and dissemination of information, and to provide accessibility to recorded information by those legally entitled to review a student's records.

Maintenance and administration of all student records shall be in accordance with the "Privacy Rights of Parents and Students Act of 1974," and section 49063 of the California Education Code.

Legal Reference: Education Code
 49060-49078 Pupil records

First Reading: 3/12/92
Second Reading: 5/14/92
Adopted: 5/14/92

Drugs and Alcohol

The Governing Council recognizes that drug or alcohol use, abuse, or dependency can interfere with student behavior, learning, and development.

A student involved in the possession, sale, and/or use of behavior-affecting substances, and drug paraphernalia shall be subject to disciplinary procedures which may result in suspension or expulsion from the ROP course.

Legal Reference:	Education Code
	48900 Suspension or expulsion (grounds)
	48900.5 Suspension, limitation or imposition; exception
	48909 Narcotics or other hallucinogenic drugs
	49480 Notice to school by parent or guardian; consultation with physician
	Health and Safety code
	11357 Marijuana possession fines and punishment; one ounce distinction
	11361.5 Records of arrest or conviction; timely destruction of; hearings to order; methods of destruction; official consequences of marijuana arrests to terminate with records thereof

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Dress and Grooming

The Governing Council, in keeping with the ROP's philosophy that its students be prepared to enter the working world, expects students in the program to be aware of acceptable dress in their area of training.

Students in all courses are encouraged to develop business-like standards of dress and grooming. Dress and grooming which meet business/industry standards are essential for those students involved in community classroom situations. Students who do not conform to the standards may be excluded from their training sites.

In all courses, dress should not interfere with training or cause any safety hazard.

Legal Reference: California Administrative Code, Title V
30200 Pupils to be neat and clean on entering school

First Reading:	3/12/92
Second Reading:	5/14/92
Adopted:	5/14/92

Prohibition against Discrimination or Harassment

It is the policy of Mission Valley Regional Occupational Program Center to prohibit discrimination or harassment in any program or activity on the basis of age, gender, race, religion, ancestry, national origin, sexual orientation, marital status, physical handicap or disability.

Legal Reference: Government Code §, et seq.
Section 504 of the Rehabilitation Act of 1973;
P. L. 93-112

First Reading: March 12, 1992
Second Reading: May 14, 1992
Adopted: May 14, 1992

First Reading: September 20, 2006
First Reading (Revised): November 8, 2006
Second Reading: December 13, 2006
Adopted: December 13, 2006

COMPLAINT PROCEDURE CONCERNING DISCRIMINATION AR 5145.7 (4)

The following procedures shall be followed when a student has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis other than sexual harassment specified in the ROP's non-discrimination policies.

1. The complaint must be initiated within 30 days after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the ROP determines as least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the ROP, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications, and records dealing with the complaint shall be placed in an ROP
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the academic status of the complainant.
8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the ROP fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with his or her ROP Instructor, School Counselor, or ROP Administrator.

If the complainant's concerns are not clear or cannot be resolved through informal discussion, the ROP Instructor, School Counselor, or ROP Administrator shall prepare,

within ten working days, a written summary of his/her meeting(s) with the complainant. A copy of this report shall be given to the ROP Administrator designated by the Superintendent.

Level II

An ROP Administrator will review the summary report and the information collected to determine whether the alleged conduct constitutes discrimination, giving consideration to the record as a whole and the context in which the alleged incident(s) occurred.

Where investigation confirms the allegations, corrective action will be taken by the ROP Administration within 20 working days after receipt of summary report.

Level III

If a complaint cannot be satisfactorily resolved at Level II, the complainant may submit a written complaint to the ROP Superintendent within ten days of his/her attempt to resolve the complaint with the ROP Administrator. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative.
2. The complainant's name, address, and telephone number.
3. The name of the ROP employee who committed the alleged violation.
4. A description of the allegedly discriminatory act(s) or omission(s).
5. The discriminatory basis alleged.
6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.
7. Other pertinent information which may assist in investigating and resolving the complaint.

The Superintendent shall assign a staff member to assist the complainant with this writing if such help is needed. The Superintendent shall respond to the complainant in writing within ten working days.

The Superintendent shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate staff members and students, and review of the Level I report and all other relevant documents. If response from third parties is necessary, the Superintendent may designate up to ten additional working days for investigation of the complaint.

Other Remedies

Complainants may appeal the ROP's action to the California Department of Education. The superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders, and other civil law remedies may also be available to them.

Legal Reference: **Education Code 252.3 Appeals; civil law remedies; notice**

First Reading:	September 20, 2006
First Reading (Revised):	November 8, 2006
Second Reading:	December 13, 2006
Adopted:	December 13, 2006

SEXUAL HARASSMENT

It shall be the policy of the Mission Valley ROP that sexual harassment is deemed unacceptable conduct in the workplace/school and will not be tolerated.

All individuals are entitled to a work and academic environment free from all forms of discrimination, including sexual harassment.

Sexual harassment is a form of personal misconduct that undermines the integrity of employment and academic relationships. No individual, either male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

CONFIDENTIALITY

The names of accused individuals or of those filing sexual harassment complaints shall not be released except as may be necessary in order to investigate and resolve the matter(s). There shall be no retaliation against any individual filing such a complaint, regardless of the resolution of the matter.

Students

BP 5153

School Sponsored Trips

It is the policy of Mission Valley Regional Occupational Program Center to adhere to the most restrictive portion of each of the partnering school districts fieldtrip policies.

Legal Reference: Education Code
35330 Excursions and Fieldtrips

School District BP 6153

First Reading: October 21, 2010
Second Reading: November 15, 2010
Final Reading: December 16, 2010
Adopted: December 16, 2010

Gang Affiliation and Activity

BP 5338

The governing council intends to maintain campuses which are safe for students and staff in accordance with the mandate of the Constitution of the State of California. In meeting this commitment, the governing council finds that gangs which initiate or advocate activities which threaten the safety and well-being of persons or property on school campuses are harmful to the educational purposes for which the schools are operated. The council further finds that the use of hand signals and the presence of any apparel, jewelry, accessory, book, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or any other attribute, denotes membership in such a group creates a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

The council further finds that incidents involving initiations, hazings, intimidations and/or related activities of such group affiliations are likely to cause bodily danger, physical or mental harm to students and are prohibited.

The Superintendent or designee shall develop appropriate regulations to ensure that any student wearing, carrying, or displaying gang paraphernalia, or making gestures which symbolize gang membership, or causing an incident affecting the school attendance of another student shall be subject to appropriate disciplinary action.

The Superintendent or designee shall provide staff in-service training in gang recognition and communicate to all staff current symbols of gang membership.

The Superintendent or designee shall establish programs designed to enhance individual self-esteem, to foster interest in a variety of wholesome activities, and to promote membership in authorized student organizations in order to counter gang membership.

Legal Reference: California Constitution, Article I, Section 28(c)
 California Education Code
 32050 - Hazing Definition
 32051 - Hazing Definition
 48907 - Student Rights and School
 48900 - Grounds for Suspension and Expulsion (General)
 48900.5 - Suspension by Principal

First Reading: 10/17/96
Second Reading: 12/12/96
Adopted: 12/12/96

Mission Valley ROP

GANG AFFILIATION AND ACTIVITY

I. Intervention Procedures

In compliance with Policy #5338, intervention strategies must be initiated with any violation of the policy. The intervention process to be utilized with Governing Council Policy #5338 is as follows:

- a. When appropriate, ROP staff will meet with home school staff, student, parent or guardian, and law enforcement officials to discuss the concerns and consequences of involvement in gang-related activity.
- b. The student shall be referred to the site or district counselor for further intervention actions deemed appropriate by site or district administration.
- c. After all means of intervention have been tried, disciplinary action such as suspension and/or expulsion may be used as a final means of enforcement of the policy.
- d. In the event that Policy #5338 has been violated with other suspendable incidents (i.e., vandalism, fighting), disciplinary action such as suspension and/or expulsion may be utilized with intervention strategies.

The Superintendent shall ensure that--

- a. All ROP staff, certificated and classified, are aware of the provisions of Board Policy #5338 and of the responsibilities they have for complying with the provisions as follows:
 1. Ensure continuing staff, parent, and student awareness of the signs of gang affiliation/activity with programs to inform students of the potential dangers of gang involvement;
 2. Refer to the ROP Administration any student considered to be in violation of the policy;
 3. Implement procedures to provide intervention(s) for students found to be in violation of the provisions of Policy #5338.

II. Continued

- 4 Recommend the expulsion of any student who, after all other means of intervention have failed, engages in gang-related activity as defined in Policy #5338.

III. **Training**

Training to provide increased awareness of the threat to the safety of students and staff posed by gang-related activity shall be provided annually to all staff. All presentations shall provide training in current identification symbols used by students involved in gang-related activity, as well as hand signals, apparel, jewelry, and any other significant gang-related material/information.

BYLAWS OF THE BOARD — 9000 SERIES

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Objectives of Council Operations

In keeping with the stated purpose in the Joint Powers Agreement, the Council's primary objective is to provide students in the participating districts the highest quality vocational education. This objective is the ultimate criterion for the Council's educational and operational judgment. It shall be the foundation of policy, rules, and regulations.

Duties of the Council Members

The duties of individual Council Members are:

1. To be familiar with the Joint Powers Agreement and all applicable codes, with policies and procedures, and with the philosophy and operational principles.
2. To represent the Council and the ROP in such a way as to promote interest in and support of the program. No individual Council Member or groups of Council Members have independent authority to speak for the Council unless explicitly directed to do so by the Council.
3. To vote and act for the overall good of the ROP while still representing his/her own district.
4. To refer complaints to the Superintendent and to abstain from individual action.

Governance Functions

The Governing Council, acting in accordance with the Joint Powers Agreement, exercises complete jurisdiction over all aspects of the program. The Council shall set policies which will be in accord with the Joint Powers Agreement, all applicable codes, and the desires of the participating districts, to ensure the orderly transaction of business and the fulfillment of program goals. The Council shall provide direction in relationship to planning and evaluation. The Council shall have final approval on the appointment of all staff.

The Governing Council shall provide for an annual budget, prepared under the direction of the Superintendent, and shall examine and approve each stage of the budget, provide for a public hearing, adopt the budget and keep it on file for public inspection. (Education Code 4200 et seq.)

The Council shall provide for budget control, auditing, and otherwise account for ROP receipts and expenditures through means of accounting and cost accounting systems. It shall prescribe policies and procedures in connection with the administration

thereof, and it shall prescribe such procedures and forms not in conflict with the state authority which it deems necessary.

The Council shall consider and adopt an annual calendar for the ROP.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Delegation of Authority

BB 9000 (2)

The Superintendent shall be the chief executive officer of the Council. The Council hereby delegates to the Superintendent all administrative authority within its power with the exception of the Superintendent's appointment or dismissal. This delegation shall carry with it full responsibility and the proper use of such authority.

The Superintendent shall develop rules and regulations for the administration of the ROP not inconsistent with adopted Council policy.

Although the Council delegates authority to the Superintendent, the Council, itself, is ultimately responsible to the electorate for the efficient and effective conduct of the affairs of the ROP.

Legal Reference:

Education Code:

35010	Control of district by board of trustees or board of education
35014	Adoption of rules by governing board
35020-35046	Officers and agents (power of governing board to appoint)
35100-35351	Governing boards - esp.
35160-35181	Powers and duties
35230-35240	Corrupt practices
35291	Rules
39013	Manner of acquisition; school site on property contiguous to district
39600-39621	Property maintenance and control
52300-52333	Regional Occupational Centers

Joint Powers Agreement

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Public Statements

BB 9010

All public statements in the name of the Council shall be issued by the Council President, or if appropriate, by the Superintendent at the direction of the Council President. No individual Council member shall make public statements in the name of the Council or statements that contravene the policies and actions of the Council, or that jeopardize the ability of the Council to act effectively.

When a Council decision has been reached, all Council members shall support that decision until amended or rescinded by Council action. Any Council member who may wish to criticize or oppose any specific Council action should do so only in a Council meeting.

No member of the Governing Council shall release information from a closed session.

Legal Reference:

Education Code

35014

Adoption of rules by the governing board for its own governance

First Reading:

11/6/90

Second Reading:

1/3/91

Adopted:

1/3/91

Officers of the Council

The Council shall consist of three officers called the President, Vice President, and Clerk.
The Superintendent, who is not a member of the Council, shall serve as secretary to the Council.

First Reading:	5/25/00
Second Reading:	6/22/00
Adopted:	6/22/00

Officers of the Council

9120

The Council shall consist of one officer, called the Chairperson. The Superintendent, who is not a member of the Council shall serve as secretary to the Council.

First Reading: Second	11/6/90
Reading: Adopted:	1/3/91
	1/3/91

No individual member and no group comprised of less than the full membership shall be designated as a permanent committee to perform any of the Council's functions except those for which state law requires signatories.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Temporary Council Committees

9140

At the request of the Council, the Chairperson shall appoint temporary committees comprised of less than the full membership for special purposes. These committees shall be discharged on the completion of their assignments.

The Chairperson of the Council shall be an ex-officio member of all committees.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Council members are the designated representatives of the school districts participating in the Joint Powers Agreement.

Council members are charged with the responsibility of directing the affairs of the ROP. The ROP shall operate according to the policies determined by members of the Council. When sitting as a Council, members have complete and full authority over personnel, policies, and the administration of the ROP through its appointed staff.

Members of the Council shall have authority only when acting as a Council legally in session. The Council shall not be bound in any way by any statement or action on the part of any individual Council member except when such statement or action is made in pursuance to specific instructions of the Council.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Duties of Council Member in Charge

9230

In the absence of the Chairperson, a Council member shall perform the duties of the Chairperson. He/she shall also be authorized to sign for the Council official documents such as notices of employment, contracts of employment, and other official papers as designated by the Education Code.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Secretary

9240

The Superintendent is the Executive Secretary to the Council with duties as follows:

1. To keep accurate records of the transactions of the Council during meetings.
2. To transcribe the records of the Council meetings into Minutes of the meeting.
3. To supply copies of the Minutes of the Council meetings to members sufficiently soon after each meeting to allow study prior to acceptance of the Minutes.
4. To cause to be stored in a safe place Minutes of the Council meetings for each fiscal year.
5. To maintain a calendar of the Council's unfinished business and scheduled meetings and events.
6. To maintain official record of policies and bylaws of the Council.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Adoption, Amendment, and Recision of Policies and Bylaws

BB9310

In order to assure that policy adopted by the Council is timely, legal, consistent, and in the public interest, the Council appoints the Superintendent as policy coordinator.

The Superintendent shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the Council at the first reading of the draft.

Prior to adoption, policies shall be given a first and second reading by the Council. The initial draft of a policy shall be presented at the first reading. The Council shall discuss the draft policy and make revisions if needed. The policy as revised shall be given a second reading at a subsequent meeting. The Council may make further revisions to the policy at that time. The policy shall then be adopted by a majority vote of all members of the Governing Council after the second reading. The action shall be recorded in the minutes. Only those written statements adopted and recorded shall constitute official Council policy.

If a policy or bylaw does not reflect the intent of the Governing Council or the law, it shall be rescinded by the same voting process by which it was adopted.

Council bylaws shall be handled in the same manner as policies.

Legal Reference: Education Code

35014	Adoption of rules by governing board
35163	Official actions, minutes, and journal
35164	Vote Requirements

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91

Bylaws of the Board

Agenda/Meeting Materials

BB 9320

The Governing Council meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

The agenda shall provide members of the public the opportunity to address the Board on any agenda items before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to comment on items not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5, Government Code 54954.3)

At a time so designated on the agenda, members of the public may bring before the Board, at a regular meeting, matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action or comment at that time except as allowed by law. The matter may be placed on the agenda of a subsequent meeting for action or discussion by the Board, as deemed appropriate. (Education Code 35145.5, Government Code 54954.2)

The Board President and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item, informational item or consent item.

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent calendar. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance to the law, the public has a right to comment on and/or ask for the removal of any consent item. At the request of any member of the Board, staff or public, any item on the consent agenda shall be removed (or pulled) and given individual consideration for action as a regular agenda item.

All public communications with the Board are subject to requirements of relevant board policies and administrative regulations.

Order of Meeting Agenda

The order of agenda items may be modified to facilitate an effective meeting.

1. Call to order

2. Pledge of Allegiance

3. Roll Call

4. Approval of Agenda

5. Communication

- a. Items from the Board
- b. Items from the Staff
- c. Oral Communications
- d. Written Communications

- e. Public Comment — Citizens wishing to comment on items not on the agenda
Individuals who wish to speak on items not on the agenda need to submit a green speaker card to the Superintendent's Administrative Assistant prior to Public Comment section of the agenda.

(Individuals who wish to make comments on items on the agenda need to submit a blue speaker card to the Superintendent's Administrative Assistant prior to discussion of agenda item.)

6. Consent Calendar

- a. Minutes
- b. Business & Finance
- c. Curriculum & Instruction
- d. Employment & Personnel

7. Regular Agenda Items

- a. Business & Finance
- b. Board of Education

9. Adjourn to Closed Session, if necessary

10. Reconvene to Open Session

**11. Action from Closed Session, if
appropriate**

12. Board Requests

13. Adjournment

First Reading:	April 18, 2007
Second Reading:	May 16, 2007
Adopted:	May 16, 2007

Annual Organizational Meeting

9333

The Council shall hold an annual organizational meeting on a day in December. Unless otherwise provided by rule of the Council, the day and time of the annual meeting shall be selected by the Council at its regular meeting held at that time and the Council shall notify the County Superintendent of Schools of the day and time selected. The Executive Secretary shall, within five (5) days prior to the date of the annual meeting, notify in writing all members of the date and time selected for the meeting.

At the annual meeting, the Council shall organize by electing a chairperson from its members.

First Reading:	11/6/90
Second Reading:	1/3/91
Adopted:	1/3/91