

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY MANUAL

REVISION 5/8/2024

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ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD OF DIRECTORS POLICIES

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# ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2001

BOARD OF DIRECTORS

PURPOSE, ROLE AND AUTHORITY OF THE BOARD

## Purpose and Role of the Board

The Board of Directors of the Antelope Valley School Transportation Agency (“Agency”) is the duly appointed body representing the constituents of the member districts. It is the purpose of the Board to direct and control the Agency in providing student transportation services to the member districts and administering the Joint Powers Agreement. In fulfilling this function, the Board shall act as the policy making body for the Agency, and shall make such decisions as needed to provide the transportation program for member districts.

## Authority of the Board

The Board must operate within the legal authority as specified in the Constitution of the State of California, the laws of the State of California, chiefly the Education Code and joint exercise of powers provisions of the Government Code, and the Rules and Regulations of the State Board of Education as contained in the California Administrative Code Title V, Education. The control of the Antelope Valley Schools Transportation Agency is vested in the Board.

The Board has the power and authority to exercise any power common to its member districts in furtherance of the functions and objectives set forth in the Joint Powers Agreement to the full extent of the law. Included in those duties and powers is the right to: make and enter contracts, employ agents and employees, direct the work of its employees; determine the method, means and services to be provided; determine the staffing patterns; determine the number and kinds of personnel required to maintain the efficiency of the Agency operation; build, move, or modify the facilities; develop a budget; determine the methods of raising revenue; and contract out work. In addition, the Board has the right to evaluate, hire, promote, terminate, and discipline employees, and to take action on any matter in the event of an emergency.

Legal Reference:

### EDUCATION CODE

35100-35351 Governing boards

### GOVERNMENT CODE

6500-6538 The Joint Exercise of Powers Act

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Revised First Reading: December 13, 2016

Readopted: January 10, 2017



# ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

## BOARD POLICY

2002

### BOARD OF DIRECTORS

#### LIMITATIONS ON BOARD MEMBER AUTHORITY

The Board of Directors recognizes that the Board is the unit of authority over the Agency and that a Board member has no individual authority. Unless agreed upon by the Board, individual Board members will not exercise any administrative responsibilities or direct the services of Agency employees.

(cf. 2001 Purpose, Role, and Authority of the Board)

No Board member, by virtue of his/her position, shall exercise any administrative responsibility with respect to the Agency and/or as an individual command the services of any Agency employee.

Members of the Board of Directors, individually and collectively, recognize and welcome their responsibilities for listening to comments and suggestions made by residents of the member school districts of the agency.

Individual Board members do not have the authority to resolve complaints. Board members will refer compliments, suggestions, and constructive criticism about operational matters directly to the Chief Executive Officer for appropriate consideration and action.

No individual Board member will speak for, or in the name of, the Board.

#### Legal Reference:

##### EDUCATION CODE

35145.5 Board meetings, public participation

35160 Authority of governing boards

35163 Official Actions

35164 Vote requirements

##### GOVERNMENT CODE

6500-6538 The Joint Exercise of Powers Act

54950-54962 The Ralph M. Brown Act

First Reading: December 3, 1980

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2003

### BOARD OF DIRECTORS

### PUBLIC STATEMENTS

The Board of Directors recognizes that as community leaders Board members have a responsibility to participate in public discourse on matters of civic or community interest, including those involving the Agency. The Board recognizes their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding Agency issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols. When speaking to groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Chief Executive Officer or other designated representative.

When speaking for the Agency, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

### Legal Reference:

#### EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

#### GOVERNMENT CODE

6250-6270 California Public Records Act

54960 Actions to stop or prevent violation of meeting provisions

54963 Confidential information in closed session

First Reading: December 13, 2016

Second Reading: January 10, 2017

Adopted: January 10, 2017

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2004

BOARD OF DIRECTORS

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Board of Directors recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

(cf. 2001 Purpose, Role, and Authority of the Board)  
(cf. 2003 Public Statements)

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 2010 Closed Session Purposes and Agendas)  
(cf. 2011 Closed Session Actions and Reports)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may

not be disclosed, or information that may have a material financial effect on the Board member.  
(Government Code 1098)

(cf. BP/AR 4212.6 Personnel Files)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities.  
(Government Code 1098)

Legal Reference:

**EDUCATION CODE**

35010 Power of governing board to adopt rules for its own governance

35146 Closed session

**EVIDENCE CODE**

1040 Privilege for official information

**GOVERNMENT CODE**

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

**ATTORNEY GENERAL OPINIONS**

80 Ops.Cal.Atty.Gen. 231 (1997)

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2005

BOARD OF DIRECTORS

BOARD MEMBER ELECTRONIC COMMUNICATIONS

The Board of Directors recognizes that electronic communication among Board members and between Board members, Agency administration, and members of the public is an efficient and convenient way to communicate and expedite the exchange of information and to help keep the community informed about the goals, programs, and achievements of the Agency and its member districts. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendaized Board meeting.

(cf. 2001 Purpose, Role, and Authority of the Board)  
(cf. 2012 Agenda/Meeting Materials)

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 2008 Meetings and Notices)

Examples of permissible electronic communications concerning Agency business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Chief Executive Officer, and reminders regarding meeting times, dates, and places.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Chief Executive Officer in accordance with Board policies so that the issue may receive proper consideration and be handled through the appropriate Agency process. As appropriate, communication received from the press shall be forwarded to the designated Agency spokesperson.

(cf. 2002 Limitations of Board Member Authority)

In order to minimize the risk of improper disclosure, Board members shall avoid reference to confidential information and information acquired during closed session.

(cf. BP/AR 4212.6 Personnel Files)  
(cf. 2004 Disclosure of Confidential/Privileged Information)  
(cf. 2010 Closed Session Purposes and Agendas)

Board members may use electronic communications to discuss matters other than Agency business with each other, regardless of the number of members participating in the discussion.

Like other writings concerning Agency business, a Board member's electronic communication may be subject to disclosure under the California Public Records Act.

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings  
35145 Public meetings  
35145.5 Agenda; public participation; regulations  
35147 Open meeting law exceptions and applications

GOVERNMENT CODE

11135 State programs and activities, discrimination  
54950-54963 The Ralph M. Brown Act, especially:  
54952.2 Meeting, defined  
54953 Meetings to be open and public; attendance  
54954.2 Agenda posting requirements, board actions

First Reading: December 13, 2016  
Second Reading: January 10, 2017  
Adopted: January 10, 2017

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2006

### BOARD OF DIRECTORS

### ORGANIZATION

The Board of Directors is composed of one representative from each member district. Board members must be an officer or employee of and serve at the pleasure of the appointing member district.

The Chief Executive Officer of the Agency shall serve as the Chief Executive Officer of the Board and as its secretary. The Chief Executive Officer shall attend all regular meetings of the Board unless unusual duties prevent his/her being present.

#### Annual Meeting

Every year, the Board will hold an organizational meeting on a day within the period December 1 to December 15 inclusive.

The date, time, and place of the annual meeting shall be selected by the Board at its last regular meeting held in November and the Board shall notify the County Superintendent of Schools of the day and time selected. The Chief Executive Officer shall, within 15 days prior to the date of the annual meeting, notify in writing, all current and incoming members of the date and time selected for the meeting.

This annual meeting is a regular meeting. At the annual meeting, in open session, the Board will:

1. elect a president, vice president, and a clerk for the current fiscal year;
2. authorize signatures;
3. approve the regular meeting schedule and governance calendar for the year; and
4. designate Board members to serve on committees, if any.

The new officers shall assume their duties immediately upon completion of the elections. Board members may serve consecutive years in the same office.

#### Legal Reference:

##### EDUCATION CODE

35143 Annual organizational meeting date, and notice

35145 Public meetings

##### GOVERNMENT CODE

54953 Meetings to be open and public; attendance

ATTORNEY GENERAL OPINIONS  
68 Ops.Cal.Atty.Gen. 65 (1985)  
59 Ops.Cal.Atty.Gen. 619, 621-622 (1976)

First Reading: December 13, 2016  
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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2007

### BOARD OF DIRECTORS

### BOARD OFFICERS

One of member of the Board of Directors shall be elected President, one Vice President, and one Clerk. The term of office is one (1) or more year(s) or until a successor is elected by the Board. Any person elected as an officer may be removed at any time, with or without cause, and all vacancies will be filled by the outgoing member's school district.

#### President

The President shall preside at all meetings of the Board and shall perform such other duties as prescribed by law and the policies of the Board.

The president shall:

1. Provide general supervision and direction of the business of the Agency
2. Call the meeting to order at the appointed time
3. Announce the business to come before the Board in its proper order
4. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
5. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
6. Explain what the effect of a motion would be if it is not clear to every member
7. Restrict discussion to the question when a motion is before the Board
8. Rule on issues of parliamentary procedure
9. Put motions to a vote, and state clearly the results of the vote
10. Be responsible for the orderly conduct of all Board meetings

(cf. 2013 Meeting Conduct)

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Chief Executive Officer or designee on the preparation of the Board's agendas (cf. 2012 Agenda/Meeting Materials)
3. Working with the Chief Executive Officer to ensure that Board members have necessary materials and information
4. Subject to Board approval, appointing and dissolving all committees, and serving as a member of all committees appointed by the Board

5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law (cf. 2008 Meetings and Notices; 2010 Closed Session Purposes and Agendas)
6. Representing the Agency as governance spokesperson, in conjunction with the Chief Executive Officer

The president shall have the same rights as other members of the Board, including the right to move, second, discuss, and vote on all questions before the Board.

#### Vice President

The Vice President shall, in the absence of the President, call the meeting to order and shall possess the powers and perform the duties of the President until the return of the President.

#### Clerk

The Clerk shall perform such duties as prescribed by law and the rules of the Board. In the absence of the President and Vice President, the Clerk shall call the meeting to order and possess the powers of the President until the return of the President, and Vice President.

The duties of the Clerk will be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the Agency as directed by the Board
4. Serve as presiding officer in the absence of the President and Vice President
5. Notify Board members and incoming members of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

Legal Reference:

#### EDUCATION CODE

35022 President of the board

35143 Annual organizational meetings; dates and notice

#### GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

#### EDUCATION CODE

5017 Term of office

35143 Annual organizational meeting date, and notice

35145 Public meetings

#### GOVERNMENT CODE

54953 Meetings to be open and public; attendance

#### ATTORNEY GENERAL OPINIONS

68 Ops.Cal.Atty.Gen. 65 (1985)

59 Ops.Cal.Atty.Gen. 619, 621-622 (1976)

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Second Reading: January 10, 2017  
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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2008

### BOARD OF DIRECTORS

### MEETINGS AND NOTICES

Meetings of the Board of Directors are conducted for the purpose of accomplishing Agency business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and regulations.

(cf. 2010 Closed Session Purposes and Agendas)  
(cf. 2011 Closed Session Actions and Reports) (cf.  
2012 Agenda/Meeting Materials)  
(cf. 2013 Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or Agency. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or Agency official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or Agency official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 2005 - Board Member Electronic Communications)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Chief Executive Officer or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

#### Regular Meetings

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the Agency's Internet web site. (Government Code 54954.2)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Chief Executive Officer or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

### Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Chief Executive Officer, or other management employee as described in Government Code 3511.1. (Government Code 54956)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the Agency's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

### Emergency Meetings

In the case of an emergency situation for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

An emergency situation means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board.
2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board.

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

#### Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

#### Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific Agency business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to board members
2. An open, publicized meeting organized by a person or organization other than the Agency to address a topic of local community concern
3. An open and noticed meeting of another body of the Agency
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

### Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

The Board shall hold its regular meetings at the Antelope Valley Schools Transportation Agency, 670 West Ave. L-8, Lancaster, California 93534. The time and dates of the meetings are set by the Board at the annual meeting, but may be changed at any subsequent regular meeting.

Meetings shall be held within Agency boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the Agency is a party
2. Inspect real or personal property which cannot conveniently be brought into the Agency, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the Agency has no meeting facility within its boundaries or if its principal office is located outside the Agency
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the Agency over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the Agency but located outside the Agency boundaries, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the Agency's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on non-adversarial collective bargaining techniques
9. Interview residents of a school district regarding the Board's potential employment of an applicant for Chief Executive Officer of the Agency
10. Interview a potential employee from a school district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

### Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within Agency boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Chief Executive Officer or designee shall facilitate public participation in the meeting at each teleconference location.

### Legal Reference:

#### EDUCATION CODE

- 35140 Time and place of meetings
- 35143 Annual organizational meeting, date, and notice
- 35144 Special meeting
- 35145 Public meetings
- 35145.5 Agenda; public participation; regulations
- 35146 Closed sessions
- 35147 Open meeting law exceptions and applications

#### GOVERNMENT CODE

- 3511.1 Local agency executives
- 11135 State programs and activities, discrimination
- 54950-54963 The Ralph M. Brown Act, especially:
  - 54953 Meetings to be open and public; attendance
  - 54954 Time and place of regular meetings
    - 54954.2 Agenda posting requirements, board actions
  - 54956 Special meetings; call; notice
  - 54956.5 Emergency meetings

#### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act



CODE OF FEDERAL REGULATIONS, TITLE 28  
35.160 Effective communications  
36.303 Auxiliary aids and services

COURT DECISIONS

Wolfe v. City of Fremont, (2006) 144 Cal.App. 544

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 218 (2005)

84 Ops.Cal.Atty.Gen. 181 (2001)

84 Ops.Cal.Atty.Gen. 30 (2001)

79 Ops.Cal.Atty.Gen. 69 (1996)

78 Ops.Cal.Atty.Gen. 327 (1995)

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ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2009

BOARD OF DIRECTORS

BOARD OPERATIONS

Action Taken

All actions of the Board shall be taken only in official Board meetings called, scheduled and conducted according to the policies of the Agency and/or all other applicable laws and regulations.

Suspension of Policies and Regulations.

Board Policies and Board-adopted regulations may be subject to suspension for a specified purpose and for a limited time by an affirmative vote of all members of the Board present.

Parliamentary Procedure

Robert's Rules of Order shall govern the procedures of all meetings of the Board.

Oath or Affirmation

Prior to entering upon the duties of their office, all Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

The oath may be administered and certified by a Board member, secretary or assistant secretary to the Board, or County Superintendent of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

## COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

First Reading: December 3, 1980

Second Reading; January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised First Reading: December 13, 2016

Revised Second Reading: January 10, 2017

Readopted: January 10, 2017

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2010

### BOARD OF DIRECTORS

### CLOSED SESSION PURPOSES AND AGENDAS

The Board of Directors is committed to complying with state open meeting laws and modeling transparency in its conduct of Agency business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 2008 Meetings and Notices)  
(cf. 2012 Agenda/Meeting Materials)

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 2011 Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 2004 Disclosure of Confidential/Privileged Information)

#### Personnel Matters

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

The Board may also hold a closed session to hear complaints or charges brought against an

employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

The Board may hold a closed session to discuss an Agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to Agency employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

#### Negotiations/Collective Bargaining

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the Agency and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process
3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the Agency or between the Agency and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the Agency's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

Agenda items related to negotiations shall specify the name of the Agency's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

#### Matters Related to Students

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

#### Security Matters

The Board may meet in closed session with the Governor; Attorney General; district attorney; Agency legal counsel; sheriff, chief of police or their respective deputies; or a security consultant or a security operations manager on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

### Conference with Real Property Negotiator

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the Agency in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the Agency negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

### Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the Agency's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the Agency is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the Agency, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

Existing facts and circumstances for these purposes are limited to the following: (Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the Agency but

which the Agency believes are not yet known to potential plaintiffs and which do not need to be disclosed.

- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the Agency, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
  - c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.
  - d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
  - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the Agency official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the Agency's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the Agency expects to initiate a suit, items related to anticipated litigation shall state that the discussion



relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

#### Joint Powers Agency Issues

During the closed session meeting of a member district's board of education, an Agency Board member may disclose confidential information acquired during a closed session of the Agency to fellow member district board members. (Government Code 54956.96) The member district's board member may also disclose the confidential Agency information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the member district. (Government Code 54956.96)

#### Review of Audit Report from California State Auditor's Office

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

#### Legal Reference:

##### EDUCATION CODE

- 35145 Public meetings
- 35146 Closed session (re student suspension)
- 44929.21 Districts with ADA of 250 or more
- 48912 Governing board suspension
- 48918 Rules governing expulsion procedures; hearings and notice
- 49070 Challenging content of students records
- 60617 Meetings of governing board

##### GOVERNMENT CODE

- 3540-3549.3 Educational Employment Relations Act
- 6252-6270 California Public Records Act
- 54950-54963 The Ralph M. Brown Act

##### COURT DECISIONS

- Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860
- Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672
- Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87
- Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876
- Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363
- Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App.

2d 41

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

94 Ops.Cal.Atty.Gen. 82 (2011)

86 Ops.Cal.Atty.Gen. 210 (2003)

78 Ops.Cal.Atty.Gen. 218 (1995)

59 Ops.Cal.Atty.Gen. 532 (1976)

57 Ops. Cal. Atty. Gen. 209 (1974)

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2011

### BOARD OF DIRECTORS

### CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 2010 Closed Session Purposes and Agendas)

The Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

#### Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

#### Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

#### Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232)

#### Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Chief Executive Officer or designee shall disclose the fact of that approval and the substance of

the agreement upon inquiry by any person, as soon as the other party or its agent has informed the Agency of its approval. (Government Code 54957.1)

### Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the Agency's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the Agency shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

### Legal Reference:

#### EDUCATION CODE

35145 Public meetings  
35146 Closed session (re student matters)  
49073-49079 Privacy of student records  
60617 Meetings of governing board

#### GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:  
54957.1 Closed sessions; public report of action taken  
54957.6 Closed sessions; representatives to employee organization(s)  
54957.7 Disclosure of items to be discussed

#### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

#### COURT DECISIONS

Kleitman v. Superior Court (1999) 87 Cal.Rptr.2d 813

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 85 (1997)

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2012

BOARD OF DIRECTORS

AGENDA/MEETING MATERIALS

### Agenda Content

Board 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)

(cf. 2008 Meetings and Notices)

(cf. 2009 Closed Session Purposes and Agendas)

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

(cf. 2013 Meeting Conduct)

Each meeting agenda shall list the address designated by the Chief Executive Officer or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual should contact the Chief Executive Officer or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

### Agenda Preparation

The Chief Executive Officer, as secretary to the Board, shall prepare an agenda for each meeting. Any Board member may call the Chief Executive Officer and request an item be placed on the agenda.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Chief Executive Officer or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board president and Chief Executive Officer shall decide whether a request is within the

subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Chief Executive Officer shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

The Board president and Chief Executive Officer shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 2014 Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

#### Consent Agenda/Calendar

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Chief Executive Officer recommends approval.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

#### Agenda Dissemination to Board Members

At least five (5) days before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Chief Executive Officer or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Chief Executive Officer or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Chief Executive Officer or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 2005 Board Member Electronic Communications)

#### Agenda Dissemination to Members of the Public

The Chief Executive Officer or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Chief Executive Officer or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Chief Executive Officer or designee may also post the document on the Agency's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

Any document prepared by the Agency or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

Upon request, the Chief Executive Officer or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Chief Executive Officer or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda



## GOVERNMENT CODE

- 6250-6270 Public Records Act
- 53635.7 Separate item of business
- 54954.1 Mailed agenda of meeting
- 54954.2 Agenda posting requirements; board actions
- 54954.3 Opportunity for public to address legislative body
- 54954.5 Closed session item descriptions
- 54956.5 Emergency meetings
- 54957.5 Public records
- 54960.2 Challenging board actions; cease and desist

## UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

## CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 Effective communications
- 36.303 Auxiliary aids and services

## COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

First Reading: December 13, 2016

Second Reading: January 10, 2017

Adopted: January 10, 2017

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2013

BOARD OF DIRECTORS

MEETING CONDUCT

Meeting Procedures

All Board of Director meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board policies and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 2012 Agenda/Meeting Materials)

The Board president shall conduct Board meetings in accordance with Board policies and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 2008 Meetings and Notices)

Quorum and Abstentions

A quorum shall consist of a majority of the active members of the Agency for the transaction of business. The Board shall act by majority vote of all of the membership constituting the Board.

If a quorum is not present within fifteen minutes after the hour set for the meeting, those present may reschedule the meeting to a specified time, date, and place.

(cf. 2014 Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 3008 Conflict of Interest)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct Agency business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5, Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)
3. Without taking action, Board members or Agency employees may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total time for public input on each item to 15 minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of Agency employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

(cf. 2010 Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Chief Executive Officer or designee shall contact local law enforcement.

#### Recording by the Public

The Chief Executive Officer or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

(cf. 2015 - Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

#### EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

35145.5 Agenda; public participation; regulations

35163 Official actions, minutes and journal

35164 Vote requirements

35165 Effect of vacancies upon majority and unanimous votes by seven member board

#### GOVERNMENT CODE

54953.5 Audio or video tape recording of proceedings  
54953.6 Broadcasting of proceedings  
54954.2 Agenda; posting; action on other matters  
54954.3 Opportunity for public to address legislative body; regulations  
54957 Closed sessions  
54957.9 Disorderly conduct of general public during meeting; clearing of room

#### PENAL CODE

403 Disruption of assembly or meeting

#### COURT DECISIONS

McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275  
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194  
Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

#### ATTORNEY GENERAL OPINIONS

76 Ops.Cal.Atty.Gen. 281 (1993)  
66 Ops.Cal.Atty.Gen. 336 (1983)  
63 Ops.Cal.Atty.Gen. 215 (1980)  
61 Ops.Cal.Atty.Gen. 243, 253 (1978)  
55 Ops.Cal.Atty.Gen. 26 (1972)  
59 Ops.Cal.Atty.Gen. 532 (1976)

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2014

### BOARD OF DIRECTORS

### ACTIONS BY THE BOARD

The Board of Directors shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164) All actions of the Board shall be taken only in official Board meetings called, scheduled, and conducted according to the policies of the Agency and/or all other applicable laws and regulations.

(cf. 2001 Purpose, Role, and Authority of the Board) (cf. 2005 Board Member Electronic Communications) (cf. 2002 Limitations of Board Member Authority)

An “action” by the Board means:

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

(Government Code 54952.6)

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 2015 Minutes and Recordings)

#### Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5

2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the Agency's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 2008 Meetings and Notices)

(cf. 2012 Agenda/Meeting Materials)

### Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.
3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

#### Legal Reference:

##### EDUCATION CODE

15266 School construction bonds  
17466 Declaration of intent to sell or lease real property  
17481 Lease of property with residence for non-district purposes  
17510-17511 Resolution requiring unanimous vote of all members constituting board  
17546 Private sale of personal property  
17556-17561 Dedication of real property  
35140-35149 Meetings  
35160-35178.4 Powers and duties  
48660-48661 Community day schools, establishment and restrictions

##### CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue  
1245.240 Eminent domain vote requirements  
1245.245 Eminent domain, resolution adopting different use

##### GOVERNMENT CODE

53090-53097.5 Regulation of local agencies by counties and cities  
53724 Parcel tax resolution requirements  
53790-53792 Exceeding the budget  
53820-53833 Temporary borrowing  
53850-53858 Temporary borrowing  
54950-54963 The Ralph M. Brown Act, especially:  
54952.6 Action taken, definition



54953 Meetings to be open and public; attendance; secret ballots  
54960-54960.5 Actions to prevent violations  
65352.2 Coordination with planning agency

#### PUBLIC CONTRACT CODE

3400 Bid specifications  
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder  
20113 Emergencies, award of contracts without bids

#### COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003)  
112 Cal.App.4th 1313  
McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310  
Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672  
Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

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ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

E 2014

BOARD OF DIRECTORS

ACTIONS BY THE BOARD: ACTIONS REQUIRING A SUPER MAJORITY VOTE

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
2. Resolution declaring intent of the Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of property which has a residence on it and which cannot be developed for Agency purposes because funds are unavailable (Education Code 17481)
5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay Agency obligations incurred before the receipt of Agency income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the Agency (Government Code 53094)
7. Resolution to place a parcel tax on the ballot (Government Code 53724)
8. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the Agency's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 2008 Meetings and Notices)

(cf. 2010 Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of Agency property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)
2. Resolution for Agency borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the Agency's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Declaration of an emergency in order to authorize the Agency to include a particular brand name or product in a bid specification (Public Contract Code 3400)
4. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the Agency is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the Agency's cost estimate was reasonable (Public Contract Code 22034)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

2015

### BOARD OF DIRECTORS

### MINUTES AND RECORDINGS

The Board of Director recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by Agency staff and the public and helps foster public trust in Board governance.

(cf. 2001 Purpose, Role, and Authority of the Board) (cf. 2013 Meeting Conduct)

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

(cf. 2014 Actions by the Board)

The minutes shall reflect which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion and the names of the Board members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention on that action of each member present. (Government Code 54953)

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The Chief Executive Officer or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. The Board shall approve the minutes as circulated or with necessary amendments.

Upon approval by the Board, the minutes shall be signed by the Board Clerk.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law. Any minutes or recordings kept for Board meetings held in closed session

shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 2011 Closed Session Actions and Reports)

Any Agency recording may be erased or destroyed 30 days after the meeting. Recordings made at the direction of the Board during a meeting are public records and, upon request, shall be made available for inspection by members of the public on Agency equipment without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

35145 Public meetings  
35163 Official actions, minutes and journals  
35164 Vote requirements

GOVERNMENT CODE

54952.2 Meeting defined  
54953 Meetings  
54953.5 Audio or video recording of proceedings  
54953.6 Broadcasting of proceedings  
54957.2 Closed sessions; clerk; minute book  
54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

First Reading: December 13, 2016

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

2016

BOARD OF DIRECTORS

LEGAL PROTECTION

### Liability Insurance

The Board of Directors shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

### Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of Agency responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required, by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

Legal Reference:

### EDUCATION CODE

17029.5 Contract funding; board liability

35208 Liability insurance

35214 Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

1090-1098 Conflicts of interest, prohibitions applicable to specified officers

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

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00104-00007/3354027.1

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3001

ADMINISTRATION

DISSEMINATION OF POLICIES, RULES AND REGULATIONS

The Chief Executive Office is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the administrative rules and regulations needed to put them into effect.

Interpretation of Rules and Regulations Affecting the Personnel

All employees of the Agency shall be subject to such rules and regulations as the Chief Executive Officer may from time to time prescribe for their respective positions. The interpretation of all rules and regulations shall rest in the discretion of the Chief Executive Officer subject to review by the Board.

Legal Reference:

EDUCATION CODE

35020 Duties of employees fixed by governing board

35035 Powers and duties of superintendent

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: February 16, 1983



ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3002

ADMINISTRATION

REVIEW OF ADMINISTRATIVE DECISIONS

The Board expects the Chief Executive Officer to seek its counsel with respect to needed decisions based upon policy when the subject is controversial. If the Chief Executive Officer is unable to seek counsel with the Board prior to taking action in such sensitive matters, he is expected to discuss his rationale for making the decision with the Board.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: February 16, 1983

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3004

ADMINISTRATION

EMERGENCY PROCEDURES

It is the intent of the Governing Board to ensure the safe and efficient transportation of students whenever emergencies arise which tend to disrupt the normal operation. The Agency should remain operational whenever possible, and when there is no danger to students nor employees.

### Notification

It shall be the duty of the Agency management personnel to notify the Chief Executive Officer of impending or actual emergency situations.

### Implementation of Emergency Procedures

The Chief Executive Officer and/or designee shall be the only employees authorized to close any of the Agency's facilities or discontinue service. Such facility will only be closed or services discontinued when, in the opinion of the Chief Executive Officer the physical welfare of the students or employees is questionable. Department heads shall be authorized to take action when communication with the Chief Executive Officer is not feasible and when failure to do so will likely result in personal injury.

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: February 16, 1983

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3005

ADMINISTRATION

PUBLIC ACCESS TO RECORDS

Any person is entitled to inspect and receive copies of the public records of the Agency, subject to the limitations of law and in accordance with administrative rules and regulations.

Legal Reference:

GOVERNMENT CODE

6253 Public Records Act

6254 Public Records Act

6256

6257

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Revised First Reading: February 16, 1983

Revised Second Reading: March 16, 1983

Readopted: March 16, 1983

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3008

ADMINISTRATION

CONFLICT OF INTEREST CODE

### Incorporation of FPPC Regulation 18730 (2 California Code of Regulations, Section 18730) by Reference

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730), which contains the terms of a standard conflict of interest code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the conflict of interest code of this agency by reference. This regulation and the attached Appendices (or Exhibits) designating officials and employees and establishing economic disclosure categories shall constitute the conflict of interest code of this agency.

### Place of Filing of Statements of Economic Interests

All officials and employees required to submit a statement of economic interests shall file their statements with the agency head, or his or her designee. The agency shall make and retain a copy of all statements filed by its Board Members, Governing Board Members, Alternate Board Members, as appropriate, and its agency head (Agency/Department Head, Executive Officer or Chief Executive Officer, Superintendent, or Director), and forward the originals of such statement to the Executive Office of the Board of Supervisors of Los Angeles County.

The agency shall retain the originals of statements for all other Designated Positions named in the agency's conflict of interest code. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

## EXHIBIT "A"

### Category 1

Persons in this category shall disclose all interests in real property within the jurisdiction. Real property shall be deemed to be within the jurisdiction if the property or any part of it is located within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the Agency.

Persons are not required to disclose a residence, such as a home or vacation cabin, used exclusively as a personal residence; however, a residence in which a person rents out a room or for which a person claims a business deduction may be reportable.

### Category 2

Persons in this category shall disclose all investments and business positions.

### Category 3

Persons in this category shall disclose all income (including gifts, loans, and travel payments) and business positions.

### Category 4

Persons in this category shall disclose all business positions, investments in, or income (including gifts, loans, and travel payments) received from business entities that manufacture, provide or sell services and/or supplies of a type utilized by the agency and associated with the job assignment of designated positions assigned this disclosure category.

### Category 5

Persons in this category shall disclose all income (including gifts, loans and travel payments) from any Antelope Valley Schools Transportation Agency employee, any representative or association of such employee; and business positions or income (including gifts, loans and travel payments) from any entity owned or controlled by such employee's spouse or other financial dependent.

## EXHIBIT "B"

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member, Agency Board	1, 2, 3
Alternate Member, Agency Board	1, 2, 3
Chief Executive Officer	1, 2, 3
Director or Operations	1, 2, 3
Human Resources Administrator	5
Budget & Accounting Manager	4
Information Technology Manager	4
Safety and Training Manager	4, 5
Director of Fleet & Facilities	1, 4
Consultants/New Positions*	

\*Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitations:

The Chief Executive Officer or his or her designee may determine in writing that a particular consultant or new position, 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 disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The or his or her designee'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. (Gov. Code Section 81008.)

Individuals who perform under contract the identical duties of any designated position shall be required to file Statements of Economic Interests disclosing reportable interests in the categories assigned to that designated position.

Revised First Reading: April 12, 2005

Revised Second Reading: May 10, 2005

Readopted: May 11, 2005

Revised First Reading: October 13, 2020

Readopted: October 13, 2020

Revised First Reading: October 19, 2021

Readopted: October 19, 2021

Revised First Reading: May 8, 2024

Readopted: May 8, 2024

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3009

ADMINISTRATION

STAFF PARTICIPATION IN COMMUNITY ORGANIZATIONS

Employees of the Agency, particularly Management Team Members are encouraged to actively participate in community affairs.

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: February 16, 1983



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3010

ADMINISTRATION

MEETINGS

Purposeful staff meetings develop group cohesiveness by promoting growth through group communication. Meetings should be held regularly. Through such meetings the staff is given an opportunity to receive and understand administration procedures, to become familiar with the aims and purposes of the philosophy of the Agency for the continuing improvement of all school operations.

1. Within budgetary limitations, the Board will provide for costs of attendance of employees at meetings which would tend to increase their competence.
2. An in-service program will be provided to assist employees in learning procedures and techniques which will improve job competency.
3. The in-service program will be designed to comply with Title 13, Section 1207(c).

Legal Reference:

Title 13, Section 1207(c)

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: February 16, 1983

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3011

ADMINISTRATION

PUBLIC NOTICE COLLECTIVE BARGAINING PROCEDURES

Procedures for Initial Negotiating Proposals Within the Meaning of Government Code Sections 3543.2 and 3547

1. Prior to meeting and negotiating, initial negotiating proposals of the exclusive representative or the Governing Board, within the meaning of Government Code Sections 3543.2 and 3547, shall be made available to the public. After a reasonable time, the Governing Board, at the public meeting, shall provide the public an opportunity to comment regarding the initial proposals.
2. Initial negotiating proposals in response to proposals processed under the Paragraph above, within the meaning of Government Code Sections 3543.2 and 3547, shall be made available to the public. After a reasonable time, the Governing Board at a public meeting shall provide the public an opportunity to comment regarding the initial responsive proposals.

Procedures for New Subjects of Meeting and Negotiating Within the Meaning of Government Code Sections 3543.2 and 3547 After the Presentation of Initial Negotiating Proposals

1. New subjects of meeting and negotiating, within the meaning of Government Code Sections 3543.2 and 3547, arising after the presentation of initial negotiating proposals shall be made public within twenty-four hours by posting copies at the Antelope Valley Schools Transportation Agency site in a conspicuous area frequented by the public.
2. If any vote is taken by the Governing Board on a new subject of negotiations, the Board shall make the roll call vote available as a matter of public record within twenty-four hours of the time of the vote.

Legal Reference:

GOVERNMENT CODE

3543.2 Meeting and Negotiating in Public Educational Employment

3547 Proposals relating to representation

First Reading: March 16, 1983

Second Reading: April 20, 1983

Adopted: April 20, 1983

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3012

ADMINISTRATION

SEXUAL HARRASSMENT POLICY

### Purpose

Sexual discrimination and sexual harassment are prohibited under the laws of the U.S. Government and the State of California.

It is the intent of the Governing Board to provide equal opportunity in employment. The conditions of employment in the Agency, including the wages, hours, terms and benefits, shall be applied without regard to race, color, creed, sex, religion, ancestry, national origin, age or non-job related handicap or disability.

It is also the intent of the Governing Board to provide all employees a working environment free from sexual discrimination and sexual harassment.

Accordingly, sexual discrimination of or by any employee will not be tolerated. In addition, the kind of conduct characterized as sexual harassment below will not be tolerated. Any such harassment may result in disciplinary action of the offending employee.

### Definition of Sexual Harassment

Unwelcome sexual advances, request for sexual favors, and other verbal, visual or physical conduct of a sexual nature by someone from or in the work setting constitutes sexual harassment when:

1. Submission to the conduct is made an explicit or implicit term or condition of employment;
2. Submission to, or rejection of, the conduct is used as a basis of employment decisions, including benefits and services, which effect the harassed employee;
3. The conduct has the purpose or effect of having a negative impact upon the employee's work performance, or of creating an intimidating, hostile, or offensive work environment.

### Examples of Sexual Harassment

Whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.

3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

#### Reporting Procedures

Any employee who believes that he/she has been sexually harassed or has been discriminated against because of his/her sex should report such incidents, in accordance with the Agency complaint procedures for investigation and corrective action, as appropriate.

1. Employees are encouraged to assist the Agency in eliminating sexual harassment by promptly reporting any instance of alleged or potential harassment.
2. Employees should report instances of alleged discrimination or harassment to the Agency director.
3. In any instance in which the relevant complaint procedure requires (or may involve) an individual that complainant believes or suspects may be involved in the alleged sexual harassment, the complainant is relieved of any obligation to exhaust that stage of the complaint procedure. In such event, the complainant is encouraged to report the situation to the next higher level of authority.
4. All complaints of sexual harassment will be investigated seriously by the Agency. Complaints will be processed in a manner which protects the complainant, and maintains the individual's confidentiality, to the greatest possible extent.
5. No employee shall suffer any retaliation or discrimination by reason of his/her participation in the filing of a complaint of sexual harassment.

#### Policy Distribution

1. A copy of the Agency's policy on sexual harassment shall be provided to each employee.
2. A copy of this policy shall also appear in the Agency's publication that sets forth the comprehensive rules, regulations, procedures and standards of conduct.

Legal Reference:

EDUCATION CODE

212.5 Educational Equity

212.6

First Reading: February 26, 1998

Second Reading: March 26, 1998

Adopted: March 26, 1998

**WORKPLACE VIOLENCE  
POLICY AND PROCEDURES**

Antelope Valley Schools Transportation Agency  
Lancaster, California

December, 2004

First Reading: May 10, 2003  
Second Reading: June 14, 2005  
Adoption: June 14, 2005

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## **INTRODUCTION**

The intent of this handbook is to establish a Zero Tolerance Standard with respect to acts of intimidation, threats of violence, or acts of violence relating to the workplace (violence which stems from an employment relationship) at Antelope Valley Schools Transportation Agency (AVSTA). It is intended as a guide for employees, supervisors, and managers and has been prepared to aid in the recognition and response to employee workplace violence. A safe and secure workplace is essential to carrying out the mission of the Agency; the Agency and its employees are committed to working together to create and maintain a workplace that is as free as possible from forms of harassing and threatening behaviors.

The policy and procedures contained in this handbook constitute a written program for job safety and security and are part of the Agency's overall workplace health and safety program as set forth in its Injury and Illness Prevention Program (IIPP).



**WORKPLACE VIOLENCE  
POLICY AND PROCEDURES  
ZERO TOLERANCE STANDARD**  
Antelope Valley Schools Transportation Agency

The Antelope Valley Schools Transportation Agency is committed to providing a workplace that is as free as possible from intimidation, threats of violence and acts of violence.

- Intimidation: an intentional act toward another person, causing the other person to reasonably fear for his/her safety or the safety of others.
- Threat of Violence: an intentional act that threatens bodily harm to another person or damage to the property of another.
- Act of Violence: an intentional act that causes bodily harm, however slight, to another person or damage to the property of another.

The Agency prohibits acts of intimidation, as well as actual or threatened violence against co-workers, visitors, or any other persons who are either on Agency property or have contact with Agency employees in the course of their duties. The following types of behaviors are examples of violations of Agency policy:

- Unwelcome name-calling, obscene language, and other abusive behavior
- Intimidation through direct or veiled verbal threats.
- Throwing objects in the workplace regardless of the size or type of object being thrown, or whether a person is the target of the thrown object.
- Physically touching another person in an intimidating, malicious, or harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.
- Physically intimidating others including such acts as obscene gestures, shouting, and fist shaking.

Security and safety in the workplace requires the cooperation of every employee. Any Agency employee who is the subject of, or a witness to, a suspected violation of this policy is strongly encouraged to report the violation to the next-in-line supervisor who is not a party to the violation. Any emergency, perceiving emergency, or suspected criminal conduct shall be immediately reported to the immediate supervisor.

Any supervisor, manager or other person in authority who receives a report of a suspected violation of this policy shall investigate the suspected violation. The results of the investigation shall be reported by the investigating authority to his/her next-in-line management representative or the CEO. Administrative Leave may be applied during the investigation period in accordance with the Collective Bargaining Agreement. Concerns that involve the CEO, may be placed on the Board agenda in Closed Session. An appeal of any decision of the CEO, related to the incident, may also be placed on the Board agenda at the request of the employee.

Any Agency employee found to be in violation of this policy, shall be subject to disciplinary action up to and including dismissal, pursuant to applicable Personnel Policies or Collective Bargaining Agreement, and, if appropriate, shall be prosecuted to the full extent of the law.

No employee shall be retaliated against in his/her employment for reporting intimidation, threats or acts of violence.

## **WORKPLACE VIOLENCE WARNING SIGNS**

There is no exact method to predict when a person will become violent. Warning signs may be displayed before a person becomes violent, but they do not necessarily indicate that an individual will become violent. Comments or threatening behavior should trigger concern as they are usually exhibited by people experiencing problems.

Employees who witness these comments or behavior are strongly encouraged to inform their supervisors. Management staff is encouraged to consult with the CEO to attempt to prevent a difficult situation from escalating into violence.

Another type of workplace violence may occur when an individual becomes romantically obsessed with someone who does not reciprocate the romantic feelings. The obsession is irrational and the subject does not respond to the victim's attempts to set limits or to end the attachment. Obsessed individuals have sometimes been known to be a threat to the safety of the individual with whom they are obsessed. If you believe that you are being stalked or that someone has an obsessive attachment to you, you should notify the local law enforcement official

## INCIDENT MANAGEMENT

The degree to which employees are able to survive an actual act of violence in the workplace may depend greatly upon recognition of potential problems and the measures taken in advance of an incident.

Following are the basic building blocks for the development of a departmental safety plan, to be included as part of the department Disaster Preparedness Plan:

- Identify the physical security needs of the department
- Discuss and coordinate emergency strategies with department employees
- To the extent possible, arrange for limited and authorized access to the affected work area
- Establish protocol for calling the Police (emergency/non-emergency)
- Develop prearranged office procedures to alert others to the need for help
- Develop a procedure to cease normal operations and secure the premises
- Outline emergency evacuation procedures
- Evaluate the need for security alarm, panic button, surveillance cameras, security personnel, etc.

Employees should mentally “map out” a personal survival strategy in the event of workplace violence.

Workplace violence incidents will differ greatly and each situation will dictate a different response. The particular circumstances of a given situation will suggest which of, and in which order, the following should occur:

- Report to the Police by dialing **9-1-1** at the safest opportunity
- Alert others (signals, codes, alarms)
- Activate prearranged safety and security plan
- Secure surroundings, lock doors
- If appropriate, evacuate employees/leave the area

## **MANAGING THE AFTERMATH OF AN INCIDENT**

Local Law Enforcement Authorities and other emergency response personnel will be available to manage all emergencies. Local Law Enforcement Authorities will deal with criminal activity. However, it remains the responsibility of AVSTA employees and management staff to work together to try and normalize the workplace following an incident.

The aftermath of a violent situation can be traumatic, characterized by confusion and disorientation. The wave of uncertainty, panic and disbelief will pass and in its place will be the task of normalizing the workplace. Depending on the severity of the incident and the recommendations of management personnel, the CEO will normally coordinate post incident normalization. Managers will be expected to take the lead in initiating and participating in debriefings following a violent act, normally within 72 hours of an incident

## **EMPLOYEE RESPONSIBILITIES**

All Agency employees are required to adhere to this policy. It is the responsibility of every AVSTA employee to assist and cooperate in making the workplace as safe and secure as possible.

- Any conduct or “jokes” which involve intimidation and/or threats are inappropriate and will be taken seriously.
- Employees are strongly encouraged to report any violation of the *Workplace Violence Policy* to next-in-line management representative, who is not a party to the violation. No employee shall be subjected to criticism, reprisal, retaliation or disciplinary action for good faith reporting pursuant to this policy.
- Employees who are the subject of, or witnesses to, a possible violation of this policy may be requested by management to document their experience or observations in order to facilitate the handling of the situation. (Not an employee obligation)
- Employees are strongly encouraged to report Restraining Orders to the local law enforcement authorities and to their supervisors when those Orders affect the workplace.

## **MANAGER/SUPERVISOR RESPONSIBILITIES**

All Agency supervisory employees are required to adhere to this policy.

Management staff has a crucial role in making AVSTA a safe and secure working environment by reducing the potential for employee workplace violence through training, appropriate and consistent use of sound supervisory practices and by applying timely corrective action when necessary. Adherence to AVSTA policies, workplace rules and regulations, documentation of employee performance problems, and appropriate training in identifying early warning signs, appropriate workplace conduct, and/or conflict resolution will greatly assist in the prevention of potential workplace violence.

It is the responsibility of all supervisors, or other responsible party if the supervisor is unavailable, to report the results of their investigations into alleged violations of this policy to their next-in-line supervisor and to consult with the CEO on potential employee workplace violence situations as appropriate.

Supervisors shall document all violations of the *Workplace Violence Policy* in order that appropriate corrective action can be administered.

Victims or complainants will be notified of case status, upon request, with due regard for confidentiality issues related to the case.

Applicable incidents of violence in the workplace may be placed on the Safety Committee Meeting agenda for safety and training review and discussion.

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

3014

### ADMINISTRATION

### CIVILITY POLICY

Members of the Antelope Valley Transportation Agency staff will treat parents and other members of the public with respect and expect the same in return. The Agency is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering Agency grounds.

This policy promotes mutual respect, civility and orderly conduct among Agency employees, parents and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In this interest of presenting Agency employees as positive role models to the children, as well as the community, AVSTA encourages positive communication, and discourages volatile, hostile or aggressive actions. The Agency seeks public cooperation with this endeavor.

#### Disruptions

1. Any individual who disrupts or threatens to disrupt Agency operations; threatens the health and safety of students or staff, willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on Agency property, will be directed to leave the Agency property promptly by the CEO or designee.
2. If any member of the public used obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the Manager or employee to whom the remarks are directed will admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the Agency employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on Agency premises, the offending person will be directed to leave promptly.
3. When an individual is directed to leave under such Paragraph 1 or 2 circumstances, the CEO or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7, if he/she reenters to leave upon request or returns before the applicable period of time, the CEO Manager or designee may notify law enforcement officials. An Incident Report should be completed for the situations as set forth in Paragraph 1 and 2.

#### Safety and Security

4. The CEO or designee will ensure that a safety and/or crisis intervention techniques program is provided in order to raise awareness on how to deal with these situations if and when they occur.
5. When violence is directed against an employee, or theft against property, employees shall promptly report the occurrence to their CEO, Manager or Supervisor and complete an



Incident Report. Employees and supervisors should complete an Incident Report and report to law enforcement, any attack, assault or threat made against them on Agency premises, while driving a bus or at school/district sponsored activities.

#### Documentation

6. When is it determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable code provisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident on the attached form.

#### Examples of Conduct Which Violated the Civility Policy

The Civility Policy prohibits harassment of Agency employees. For purposes of this policy, harassment is defined as a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and actually causes such distress (California Code of Civil Procedure 527.6). A course of conduct would include a pattern of conduct composed of a series of acts over a period of time, however, short, evidencing a continuity of purpose, including but not limited to:

1. Following or stalking an individual;
2. Making harassing telephone calls to an individual;
3. Sending harassing correspondence to an individual by any means, including, but not limited to:
  - a. The use of private mails,
  - b. Interoffice mail,
  - c. Computer email, text messages, and instant messages,
  - d. Facsimile (fax)

Constitutionally protected activity is excluded from the definition of harassment.

#### Recourse Available for Unacceptable Disruptive Conduct by District Employees or Representatives

Any parent/guardian or member of the public who is subjected to unaccepted conduct from any Agency employee, as defined in the Civility Policy, may complete a Complaint Against Staff form pursuant to the Agency's policy.

Any parent/guardian or member of the public who is subjected to unaccepted conduct from any Agency representative, other than school personnel, may file a written complaint with the CEO.

#### Recourse Available for Unacceptable/Disruptive Conduct by Parents/Guardians and Other Members of the Public

The following are examples of ways by which Agency employees and supervisors/managers, depending on the circumstances presented, may resolve situations involving parents/guardians and other members of the public who violate the Civility Policy.

1. Provision of Civility Policy

The Agency employee may provide to the offending person a written copy of this policy at the time of the occurrence.

2. Request to Cease and Desist Behavior

Agency employees may request any parent/guardian or other members of the public who engages in unacceptable and/or disruptive conduct, as described above, to immediately cease his/her conduct and to act and speak civilly, or may report such person and conduct to the appropriate supervisor/manager.

3. Termination of Activity

If the offending person does not cease his/her inappropriate conduct and/or communication after being requested to do so, the Agency employee may verbally notify the offending person that the meeting, conference, telephone conversation, or any other activity is terminate. The Agency employee may terminate personal contact with the offending person. In that event, the Agency employee or site supervisor and the offending person may continue to communicate in writing, if appropriate, regarding the subject matter of the conference, telephone conversation, or other activity that was terminated.

4. Request to Leave Agency Ground/Report to Law Enforcement:

If the meeting, conference or other conduct is on Agency premises, or interferes with, or is disruptive of Agency activities, the appropriate Supervisor/Manager or their designees may issue a formal warning, notify the offending person to promptly leave the Agency grounds and not return pursuant to Education Codes 33210, 33211, 44811 and Penal Codes 626.4, 626.7 and 626.8. The form of the notification is attached hereto as Exhibit 1310.1(b).

The form entitled, "Withdrawal of Consent" is to be used when the Agency staff chooses to base his/her decision to direct the individual off of the Agency property upon Education Code 32211 or Penal Code sections 626.7, 626.8, or 653(g).

5. Handling Violence, Threat, Battery or Other Illegal Action:

When violence, threat, assault, battery or other illegal action is threatened or directed, Agency employees may: (1) report the occurrence to their immediate Supervisor, (2) complete an Incident Report, and/or (3) report the incident to law enforcement officials.

In extraordinary circumstances, the Agency may assist the affected employee(s) in obtaining a restraining order against the offending person pursuant to California Code of Civil Procedure sections 527.6 and 527.8.

Complaint Procedure Concerning Violations of the Civility Policy to Parents/Guardians or Other Members of the Public

All complaints against/involving parents/guardians or other members of the public shall be initially filed with the CEO or designee. At the discretion of the CEO or designee, the complaint may be referred to the appropriate school site or department in an attempt to informally resolve the matter.

The complaint must be submitted on the designated complaint form. Complaints that do not contain specific factual allegations concerning the purported misconduct and the desired remedy, will not be processed.

The complaint must be filed not later than one month from the date the alleged misconduct occurred or, if such be the case, one month from the date complainant knew or, in the exercise of reasonable care and diligence, should have known of the alleged misconduct.

The Agency personnel may attempt to resolve the complaint informally within 10 working days of receipt of the complaint. If the complaint is referred to, and is not resolved at the Agency, as the case may be, the CEO or designee shall conduct an investigation, which may include a conference with the complainant and the alleged violator. The CEO or designee shall complete the investigation within 20 working days from his/her receipt of the complaint from the agency. Within 10 working days thereafter, the CEO shall render his/her decision concerning the merits of the complaint and the requested remedy, which shall be in writing, and served on both the complainant and the alleged violator. The CEO or designee shall be final.

First Reading: October 11, 2005

Second Reading: November 8, 2005

Adopted: November 8, 2005

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3014

CIVILITY POLICY

CIVILITY INCIDENT REPORT

Name \_\_\_\_\_ Site \_\_\_\_\_

Today's Date \_\_\_\_\_ Date and Time (approximately) of Incident \_\_\_\_\_

Location of Incident (office, yard, bus, route, etc.) \_\_\_\_\_

Name of Person you are Report (if known) \_\_\_\_\_

Is this person a parent/guardian or relative to an employee of AVSTA?                      Yes      No

Did you feel your well being/safety was threatened?    Yes      No

Were there any witnesses to this incident?    Yes      No

Name of Witness(es) \_\_\_\_\_

Was law enforcement officials contacted?    Yes      No

Who was notified?      \_\_\_\_\_ Security      \_\_\_\_\_ Administrator      \_\_\_\_\_ Sheriff

Below, please describe what happened:

\_\_\_\_\_  
Signature of Person Completing Form

\_\_\_\_\_  
Date

Retain a copy for your records

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

3015

### ADMINISTRATION

#### VEHICLE USE AND MARKING POLICY

The Agency will provide and maintain adequate vehicles to perform the functions of the Agency related to its large operation area. The use of these vehicles will be to meet the needs of the Agency only. Pride in being part of the Agency will be reflected in the Agency name on the vehicle. The Agency name on the vehicle will also substantially assist emergency situations by readily identifying the vehicle as an Agency vehicle.

1. All vehicles will be driven by properly licensed and insured drivers with a DMV report and any other related insurability information held in the Safety and Training office.
2. Any loss of driver's license or limitation of insurance coverage by any Agency employee will also limit the use of the Agency vehicles as related to the cause for such action. Appropriate information will be reported to the Safety and Training Manager.
3. All Agency business should be conducted in an Agency vehicle but when personal vehicles are utilized, as approved by the CEO, appropriate mileage will be paid. For personal vehicles that are used for Agency business proof of insurance must be filed in Safety and Training. When used for Agency business, the personal insurance of the operator will be the primary insurance in the case of a claim.
4. Seat belts will be used by vehicle operators at all times while operating the Agency vehicles equipped with seat belts.
5. All reports of needed repairs on Agency vehicles will be turned over to the Fleet Manager.
6. All vehicles will have lettering on the side stating, "Antelope Valley Schools Transportation Agency". There will also be an Agency established Emblem/Logo on the door, on each side, of any Agency vehicle driven on the street denoting it as an Agency vehicle. The Agency phone number will be placed on the back of each Agency vehicle driven on the street.
7. All buses will be properly marked by State of California Bus Standards and appropriate National Bus Standards. In addition, for emergency identification standards, all newly purchased buses must be delivered with proper bus identification numbers on the roof of the vehicle that comply with appropriate California standards for such markings.
8. All Agency vehicles will be parked at the Agency facility with the exceptions of Agency needs related to special events or weather and the checking of bus routing conditions or as approved by the CEO.

9. All Agency vehicles will be utilized for Agency business only. No unauthorized personal use of the vehicles in any capacity is authorized.
10. These Agency procedures will be enforced through the Agency discipline procedures and would be applicable up to and including termination for violation of Agency vehicle use.
11. An established Agency list will designate primary vehicle use. This list will in no way establish personal use or priority uses but will organize the proper use of the Agency vehicles for each area. The Supervisors/Managers will be responsible for monitoring the proper use of vehicles assigned to their area.

First Reading: August 9, 2005

Second Reading: September 13, 2005

Third Reading: October 11, 2005

Adoption: October 11, 2005

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

3016

ADMINISTRATION

PHOTOGRAPHY AND VIDEO RECORDING ON AGENCY PROPERTY

To ensure the safety, security and privacy of staff, all visitors must obtain permission from the Chief Executive Officer or designee before taking any photograph, video recording, or other electronic recording while on Agency property. This policy does not apply to visitors who seek to broadcast, photograph, or otherwise record a meeting of the Agency Board of Directors conducted in accordance with the Brown Act.

(cf. 2008 Meetings and Notices)

(cf. 2013 Meeting Conduct)

First Reading: June 11, 2019

Second Reading: August 13, 2019

Adopted: September 10, 2019

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4001

PERSONNEL

AFFIRMATIVE ACTION EMPLOYMENT PRACTICE

It shall be the policy of the Board of Directors to develop an agency employment practice plan which will insure affirmative action and equal employment opportunity in recruitment, assignment, promotion, retention, compensation and training; and to prevent discrimination on the basis of handicap, race, ethnicity and sex.

The Chief Executive Officer shall be the Affirmative Action Officer of the Agency and shall prepare and implement an affirmative action program.

Legal Reference:

5 Calif. Code of Regulations, Sec. 30  
Title VII, Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.

First Reading: December 3, 1981  
Second Reading: January 14, 1981  
Adopted: January 14, 1981  
Readopted: October 20, 1982  
Revised: September 14, 2021



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4004

### PERSONNEL

#### EMPLOYMENT STATUS

A probationary employee is an employee who has not served for the period of time necessary to gain permanent status. To gain permanent status, an employee, including Management/Confidential employees, must be assigned to a position requiring continuous employment, and have six (6) months or 130 days of paid service, whichever is longer, in the Agency.

A part-time regular employee receives permanency only for that portion of the day and year that represents his/her normal work period.

A short-term employee shall be construed to mean any person who is employed to perform a service for the Agency, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis.

A substitute employee shall be construed to mean any person hired to fill any regularly established position during the absence of the employee regularly hired to fill that position. In addition, if the Agency is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that the collective bargaining agreement then in effect provides for a different period of time.

Restricted employees are those filling specially funded positions restricted to low income groups or from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions. Persons employed in positions classified as "restricted" shall be classified employees for all purposes except:

1. They shall not be accorded employment permanency under Section 45113 of the Education Code.
2. They shall not acquire seniority credits for the purposes of layoff for lack of work or lack of funds as may be established by rule of the Board of Directors.

#### Legal Reference:

#### EDUCATION CODE

45103 Classified service in districts not incorporating the merit system

45108 Restrict positions

45113 Rules and regulations governing personnel management of classified service

First Reading: December 3, 1980  
Second Reading: January 14, 1981  
Adopted: January 14, 1981  
Readopted: October 20, 1982  
Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4005

(Replaced BP 4008)

### PERSONNEL

#### ASSIGNMENT, TRANSFER AND PROMOTION OF MANAGEMENT/CONFIDENTIAL EMPLOYEES

1. Management employee means any employee who has significant responsibilities for formulating Agency policies or administering Agency programs, and whose position is designated as a management position by the Board.
2. Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions.

Management/Confidential employees may be assigned to a similar position in the Agency at the discretion of the Chief Executive Officer.

1. Such assignments and transfers are based on benefit to the Agency and necessary changes in assignments may be made at any time.
2. Such assignments and transfers shall be initiated by the Agency to another position in the same classification (or related classification) on the same range of the salary schedule.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position, shall be employed in the classification from which the employee was promoted. The probationary period is six (6) months or 130 days of paid service, whichever is longer.

#### Legal Reference:

#### EDUCATION CODE

45113 Rules and regulations governing personnel management of classified service

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Revised First Reading: October 20, 1982

Revised Second Reading: November 17, 1982

Revised Adopted: November 17, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4006

PERSONNEL

QUALIFICATIONS FOR EMPLOYMENT

### Health Examinations

The Chief Executive Officer shall ensure that new Agency employees comply with all the health examination requirements of California law.

In addition, the Chief Executive Officer may require applicants in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. Physical examinations specifically required by the Agency will be paid for at the Agency expense.

### Tuberculosis Tests

No applicant shall be initially employed by the Agency, or employed under contract, unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment.

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination:

1. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis

Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

### Pre-Employment Record Check

The Chief Executive Officer shall require each person to be employed by the Agency to submit his/her fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Chief Executive Officer shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Chief Executive Officer shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation.

The Chief Executive Officer shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the Agency. (Penal Code 11105.2)

Legal Reference:

**EDUCATION CODE SECTIONS**

49406 Tuberculosis risk assessment; examination

45122 Physical examinations

45125 Fingerprint cards; criminal history; confidentiality

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4010

PERSONNEL

WORKDAY DURING CLOSING OF SCHOOL/EMERGENCIES

It shall be the responsibility of the Chief Executive Officer to establish regulations governing the workday of employees when it may become necessary to coordinate with participating districts to close a school or schools, or dismiss early for any reason.

The Agency retains its right to amend, notify, or rescind policies and practices referred to in the collective bargaining agreement in case of emergency. The determination whether or not an emergency exists is solely within the discretion of the Agency.

The Chief Executive Officer shall notify the Board as soon as practicable after he/she exercises the authority granted under this policy. The Board president and the Chief Executive Officer shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Chief Executive Officer shall make the necessary recommendations to the Board.

The Chief Executive Officer shall develop administrative regulations to implement this policy.

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4011

PERSONNEL

DUTIES

The Board of Directors shall fix and prescribe the duties to be performed by all persons in the classified service, and minimum requirements for each job in order to:

1. Provide information to evaluate job performance.
2. Provide the information necessary to evaluate the job in relation to other jobs.
3. Supply information for the selection, training and upgrading of employees, as well as for the surveying and establishment of wage rates.

The Chief Executive Officer, or designee, is responsible for the implementation of this policy by establishing job description specification statements in a separate manual.

Annually the Board will evaluate the current manual and receive a report for the Chief Executive Officer or his designee as to the extent of its usefulness.

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4012

(Replaced BP 4021)

PERSONNEL

EVALUATION/SUPERVISION

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Formal management evaluations shall be recorded in writing on a form prescribed by the Chief Executive Officer and conducted in conformance with law. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the Agency to this end.

Management employees shall be evaluated as prescribed by law and by Agency policies and regulations. Every management and confidential employee shall be evaluated at least once each year. Classified management employees shall be evaluated using an Agency-adopted form.

The evaluation process shall include but not be limited to a mutual approach to the establishment of measurable objectives related to the employee's job description. The evaluation shall be in writing, may include preliminary and follow-up conferences and may include recommendations or suggestions for improvement. The management employee being evaluated shall have the right:

1. To respond in writing to the evaluation within 10 days of receipt of the written document and to have such response attached to the evaluation for the employee's permanent record.
2. To have assistance from the evaluating supervisor in making recommended improvements to be completed within a given time frame.
3. To request written documentation by the evaluating supervisor for the employee's permanent record when the recommended improvement has been made.

### Classified Management Employees

Classified management personnel will be evaluated according to the procedures developed by the Chief Executive Officer or designee. The evaluation shall include recommendations for improvement if needed. Assistance shall be provided by the Agency to this end.

### Confidential Personnel

The Chief Executive Officer or designee shall develop appropriate procedures for the evaluation of confidential personnel.

Evaluations shall be administered in the same manner and time schedule as classified employees who have similar but non-confidential positions with the Agency.

Legal Reference:



## EDUCATION CODE

35160 Authority of governing boards commencing January 1, 1976

[35171](#) Availability of rules and regulations for evaluation of performance

[45113](#) Rules and regulations for the classified service in districts not incorporating the merit system

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4013

### PERSONNEL

### SICK LEAVE

Full-time classified employees are entitled to accrue 12 days leave of absence, with pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the time they work.

An employee may take their allowable contracted sick leave at any time during the year, even if credit for sick leave has not yet been accrued. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the Agency.

Should an employee who has used sick leave in advance, terminate prior to having earned the sick leave, a prorated amount will be withheld from their final warrant.

Unused days of sick leave shall be accumulated from year to year without limitation.

An employee shall notify the Agency of his/her need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the Agency.

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (Education Code [45195](#))

#### Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by using appropriate Agency notification procedures.

The Chief Executive Officer or designee may, at any time, require additional written verification by the employee's physician or practitioner. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The Chief Executive Officer or designee may require an employee to visit a physician selected by the Agency and at Agency expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report

concludes that the employee's condition does not warrant continued absence, the Chief Executive Officer or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

Legal Reference:

#### EDUCATION CODE

[45190](#) Leaves of absence and vacations

[45191](#) Leaves of absence for illness and injury

[45193](#) Leave of absence for pregnancy (re use of sick leave under certain circumstances)

[45195](#) Additional leave for nonindustrial accident or illness; reemployment preference

[45196](#) Salary; deductions during sick leave

[45202](#) Transfer of accumulated sick leave and other benefits

#### LABOR CODE

[233](#) Illness of child, parent, spouse or domestic partner

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: October 19, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4014

PERSONNEL

SALARY WARRANTS AND PAYROLL DEDUCTIONS

Payroll deductions shall be authorized from the salary payment due to employees of the Antelope Valley Schools Transportation Agency for the following purposes:

1. Professional dues as authorized in Section 45168 of the California Education Code and Section 1157.1 of the Government Code.

Group life insurance and/or group disability insurance, hospital service contract, or medical and hospital services as authorized in Section 44041 of the California Education Code.

2. Authorized annuity programs as provided in Education Code 44041.

Employees desiring to participate in payroll deductions for any or all of the aforementioned approved purposes shall sign a revocable written authorization requesting the deduction of a specified sum of money. New requests submitted to the payroll office prior to the 10<sup>th</sup> day of any calendar month will be eligible for deduction from the current payroll period.

The Agency shall, each month, draw necessary warrants on the funds of the Agency payable to the appropriate organization(s) for an amount equal to the total of the deductions made during the month.

Legal Reference:

### EDUCATION CODE

44041 Deductions in salary payment as requested by employee

45168 Deductions for dues of employee organization or association; direct payment for service fees

### GOVERNMENT CODE

1157.1 Association dues; authorization by employees of public agencies

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: September 14, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4015

### PERSONNEL

#### OVERTIME COMPENSATION/COMPENSATORY TIME OFF

Non-bargaining unit Agency employees, eligible for overtime, shall be paid compensation or compensatory time off, at the Agency's discretion, a rate of not less than one and one-half times his/her regular rate of pay for any hours worked in excess of eight hours in one day or 40 hours in one workweek. Employees who provide service to the Agency for five consecutive workdays averaging four hours or more per day shall be compensated on the sixth and seventh day following commencement of the workweek at the rate of one and one-half times his/her regular rate of pay for the hours worked. However, employees shall be exempt from overtime rules if they are employed as Agency administrators or if they qualify as being employed in an executive, administrative, or professional capacity and are paid a fixed salary at or above the salary level established by federal regulations.

Except in emergency situations, employees are required to receive advanced approval of overtime.

For each nonexempt employee, the Chief Executive Officer or designee shall maintain records on the employee's wages, hours and other information specified in 29 CFR 516.5-516.6.

#### Overtime Exemption For Management Employees

The following classified positions and classes of positions are designated as management positions for purposes of exemption from overtime and employees serving in these positions are not subject to the overtime provisions of this policy or law:

1. Chief Executive Officer,
2. Manager positions, and
3. Supervisor positions.

The Board may from time to time designate other positions or classes of positions as management positions or classes of positions as management positions for purposes of exemption from overtime and the employees serving in said positions will not be subject to the overtime provisions of this policy or law.

Legal Reference:

#### EDUCATION CODE

45127 Workweek

45128 Overtime

45129 Compensatory time off

45130 Exclusion from overtime provisions

45131 Overtime; length of workday

#### GOVERNMENT CODE

3540-3549 Meeting and negotiating, especially:

3543.2 Scope of representation

3543.7 Duty to meet and negotiate in good faith

#### UNITED STATES CODE, TITLE 29

201-219 Fair Labor Standards Act, especially:

203 Definitions

207 Overtime

213 Exemptions from minimum wage and overtime requirements

#### CODE OF FEDERAL REGULATIONS, TITLE 29

516.5-516.6 Records

541.0-541.710 Exemptions for executive, administrative, and professional employees

553.1-553.51 Fair Labor Standards Act; applicability to public agencies

#### COURT DECISIONS

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

Management Resources:

#### WEB SITES

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

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

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

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

First Reading: August 15, 2017

Second Reading: September 12, 2017

Adopted: September 12, 2017

Revised: October 19, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4016

### PERSONNEL

### RESIGNATION

Any Agency employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Directors encourages employees to provide advance notice that is appropriate for the position they hold.

The Board of Directors authorizes the Chief Executive Officer or designee to accept the written resignation of an employee and to set its effective date, which shall not be later than the close of the school year. The resignation shall become effective on the date set by the Chief Executive Officer or designee and may not be withdrawn by the employee. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the Board. (Education Code 45201)

Acceptance of the resignation shall be effective at the time of receipt by the Chief Executive Officer or designee.

### Legal Reference:

### EDUCATION CODE

45201 Power of governing board to accept resignation and fix its effective date

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: October 19, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4017

### PERSONNEL

#### LAYOFF OR REDUCTION IN FORCE

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code [45114](#), [45308](#))

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code [45117](#))

#### Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff shall be determined by length of service. (Education Code [45114](#), [45308](#))

Length of service shall be determined by the date of hire. Date of hire means first day of paid service in a classified position. The employee who has been employed the shortest time by the Agency shall be laid off first. (Education Code [45308](#))

For an employee in a "restricted position" under Education Code [45105](#) or [45259](#), the original date of employment in the restricted position shall be used to determine the length of service, provided the employee completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code [45105](#))

#### Notice of Layoff and Hearing Rights

Whenever a permanent classified employee is to be laid off for lack of work or lack of funds, the CEO or designee shall, no later than March 15 and before the employee is given formal notice by the Board that the employee's services will not be required for the ensuing year due to lack of work or lack of funds, give to the Board and the employee written notice of the recommendation, the reasons that the employee's services will not be required for the ensuing year, any displacement rights, reemployment rights, and the employee's right to a hearing. The Agency shall adhere to the notice, hearing, and layoff procedures in Education Code 45117, Government Code 11503 and 11505, and other applicable provisions of law. (Education Code 45117)

An employee who is so notified may request a hearing to determine if there is cause for not reemploying the employee for the ensuing year. The request shall be in writing and shall be delivered to the person who sent notice to the employee, on or before March 15 but not less than seven (7) days after the date the notice is served on the employee. Failure of an employee to request a hearing on or before the date specified shall constitute a waiver of the employee's right to a hearing. (Education Code 45117)

The CEO or designee shall serve an employee who timely requests a hearing with the Agency Statement of Reduction in Force documents. The employee has five (5) calendar days from service of the Agency Statement of Reduction in Force documents to timely file a notice of participation



with the Agency. The parties are entitled to discovery, if requested within 15 days of service of the Agency Statement of Reduction in Force documents. (Education Code 45117)

If a hearing is requested by a permanent classified employee, the proceeding shall be conducted and a decision made by an administrative law judge in accordance with Government Code 11500-11529. The Board shall make a final decision regarding the sufficiency of the cause and disposition of the layoff upon receipt of the administrative law judge's proposed decision. None of the findings, recommendations, or determinations in the proposed decision prepared by the administrative law judge shall be binding on the Board. (Education Code 45117)

Following the Board's decision, the CEO or designee shall give final notice of termination to the affected employee(s) before May 15 unless a continuance was granted after a request for hearing was made, in which case such date may be extended by the number of days of the continuance. (Education Code 45117)

If during the time between five (5) days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the Agency's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent (2%), and that it is therefore necessary to decrease the number of classified employees due to lack of work or lack of funds, the Board may issue an Agency Statement of Reduction in Force to those employees in accordance with a schedule of notice and hearing adopted by the Board, and layoff proceedings shall be carried out as required by law. (Education Code 45117)

When classified positions are eliminated as a result of the expiration of a specifically funded program, the Agency shall give written notice to the affected employee(s) not less than 60 days prior to the effective date of the layoff informing the employee(s) of the layoff date, any displacement rights, and employment rights. (Education Code 45117)

The Agency is not required to provide a layoff notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Additionally, the Agency may release probationary classified employees without notice or hearing for reasons other than lack of work or lack of funds. (Education Code 45117)

#### Reemployment

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the Agency during the 39-month period. (Education Code [45114](#), [45298](#), [45308](#))

When a vacancy occurs, the Agency shall give the employee with the most seniority an opportunity to accept or reject the position, by first calling the employee at the employee's last known telephone number to notify the employee of the vacancy and then sending written notice by certified and standard mail to the employee's last known address. The employee shall advise the Agency of the decision by any means no later than ten (10) calendar days from the date the notice was sent. If

the employee accepts, the employee shall report to work no later than two (2) calendar weeks from the vacancy notification date or on a later date specified by the Agency.

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, the employee shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first.

Upon rejecting an offer of reemployment, the employee's name shall be removed from the reemployment list and the employee will forfeit all reemployment rights to which the employee would otherwise be entitled.

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by Agency procedures, the employee's name shall be removed from the reemployment list and all reemployment rights to which the employee would otherwise be entitled shall be forfeited.

If an employee is employed in a new position and fails to complete the probationary period in the new position, the employee shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code [45114](#), [45298](#))

#### Reinstatement of Benefits

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded at the time of layoff.

A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. The employee shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class will shall, when reinstated to their the previous class, be placed on the salary step to which they the employee would have progressed had the employee remained there. An adjusted anniversary date shall be established for step increment purposes so as to reflect the actual amount of time served in the Agency.

#### Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months as determined by the Board on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code [45114](#), [45298](#))

Employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assigned time as vacancies become available and without limitation of time. If there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority. (Education Code [45114](#), [45298](#))

Legal Reference:

EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications; classification

45113 Rules and regulations for classified service in districts not incorporating the merit system

45114 Layoff and reemployment procedures; definitions

45115 Layoff: Reinstatement from service retirement

45117 Notice of layoff

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

First Reading: February 9, 2022

Second Reading: March 9, 2022

Revised: March 9, 2022

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4019

PERSONNEL

GRATUITIES – ALL PERSONNEL

The Board of Directors and Agency employees, as well as members of their immediate families, shall neither offer nor accept gratuities when such might be perceived as an attempt to influence Agency affairs.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards commencing January 1, 1976

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: October 19, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4020

(Previously BP 4031)

PERSONNEL

DRUG AND ALCOHOL-FREE WORKPLACE

The Board of Directors believes that the maintenance of drug and alcohol-free workplace is essential to schools and Agency operations.

No employees shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in 21 USC 81 at any school districts or Agency workplace. These prohibitions apply before, during and after school hours and work schedule. A workplace is any place within the Agency or where school districts work is performed, any vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under AVSTA jurisdiction; or during any period of time when an employee is supervising students on behalf of the districts or otherwise engaged in Agency business.

(cf. BP/AR 4212.41 Pre Employment Drug and Alcohol Testing)

(cf. BP/AR 4212.42 Drug and Alcohol Testing for Safety-Sensitive Positions)

The Chief Executive Officer or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the Agency before performing any safety sensitive function, of any criminal drug or alcohol statute conviction, which he/she received for a violation occurring in or outside of the workplace affecting their Driver License and/or School Bus Certificate.

The Chief Executive Officer or designee shall notify the appropriate agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board of Directors shall not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. BP/AR 4212 Appointment and Conditions of Employment)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board will dismiss employees in violation of this policy.

(cf. BP/AR 4218 Suspension, Demotion and Dismissal of Permanent Employees)

The Agency does not offer drug assistance or rehabilitation program but may provide a referral if the employee requests it.

The CEO or designee shall establish a drug and alcohol-free awareness program to inform employees about:

1. The dangers of drug and alcohol abuse in the workplace
2. The Agency policy of maintaining drug and alcohol-free workplace
3. The Agency does not offer drug and alcohol counseling, rehabilitation, or employee assistance programs
4. The penalties that may be imposed on employees for drug and alcohol abuse violations

(Government Code 8355)

Legal Reference:

**EDUCATION CODE**

44011 Controlled substance offense  
45123 Employment after conviction of controlled substance offense  
45304 Compulsory leave of absence for classified persons

**GOVERNMENT CODE**

8350-8357 Drug-free workplace

**UNITED STATES CODE, TITLE 20**

7111-7117 Safe and Drug Free Schools and Communities Act

**CODE OF FEDERAL REGULATIONS, TITLE 21**

1308.01-1308.49 Schedule of controlled substances

First Reading: January 27, 1994

Second Reading: February 24, 1994

Adopted: February 24, 1994

Revised First Reading: January 12, 2010

Revised Second Reading: February 9, 2010

Readopted: February 9, 2010

Revised: October 19, 2021

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4022

PERSONNEL

WORKWEEK AND WORKDAY DEFINITION

Full-time workweek shall consist of five (5) consecutive days, eight (8) hours per day.

The length of the workday for each classified assignment shall be designated by the Agency.

Compensation

Initial placement on salary schedule

1. Entry into the salary schedule will be on Step 1.
2. The Board of Directors may grant credit for prior related experience upon recommendation of the Chief Executive Officer.

Right to Increase Salaries

The Board of Directors retains the right to consider increases in annual salaries of any of all classified personnel at any time during the year when in its deliberation, the Board feels such increases are proper and warranted.

Legal Reference:

EDUCATION CODE

45127 Workweek

45128 Overtime

45129 Compensatory time off

45130 Exclusion from overtime provisions

45162 Salary of employees not requiring certification qualifications

Fair Labor Standards Act of 1938, as amended 29 U.S.C § 201 et sez.

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised First Reading: May 9, 2006

Revised Second Reading: June 13, 2006

Readopted: June 13, 2006

Revised: October 19, 2021

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4023

PERSONNEL

MANAGEMENT AND CONFIDENTIAL LEAVES

The Board of Directors recognizes the need to provide for leaves which management and confidential personnel may take for justifiable reasons. Such leaves shall be authorized pursuant to Board policies and/or administrative regulations.

Board Right to Grant Leaves

The Board of Directors may grant leaves of absence and vacations, with or without pay, to persons employed in the classified service of the Agency.

Legal Reference:

EDUCATION CODE SECTIONS

45190-45210 Resignation and leaves of absence

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised: October 19, 2021



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4024

### PERSONNEL

#### MANAGEMENT AND CONFIDENTIAL LEAVES - INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

In each fiscal year, allowable leave for any single industrial accident or illness shall be for 60 working days. (Education Code [45192](#))

Allowable leave shall not accumulate from year to year. (Education Code [45192](#))

When a classified employee is absent from his/her duties because of an industrial accident or illness: (Education Code [45192](#))

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee shall use personal illness and injury leave as provided by Education Code [45191](#). If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary. (Education Code [45192](#))

During any paid leave of absence, the employee shall endorse to the Agency the workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the district shall issue appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. (Education Code [45192](#))

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (Education Code [45192](#))

When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, he/she shall be employed in a vacant position in the class of

his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (Education Code [45192](#))

Any employee receiving benefits under this leave shall, during periods of injury or illness, remain within the State of California unless the Board of Education authorizes travel outside the state. (Education Code [45192](#))

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (Education Code 45192)

Legal Reference:

#### EDUCATION CODE

[45191](#) Leave of absence for illness or injury

[45192](#) Industrial accident and illness leaves for classified employees

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised: October 19, 2021

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4025

PERSONNEL

MANAGEMENT AND CONFIDENTIAL LEAVES – JURY SERVICE, WITNESS APPEARANCE, AND BEREAVEMENT LEAVE

Jury Service

When called for jury duty or for attendance in a court of civil or criminal proceeding when the employee is not a litigant, the employee will be granted a leave with pay, less the jury fee received.

Witness Appearance

The Board of Directors may grant leaves of absence to employees to appear as a witness in court other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee.

Bereavement Leave

Every person employed in the classified service shall be granted necessary leave of absence, not to exceed three (3) days, or five (5) days if travel is required beyond 250 miles from the worksite, because of the death of any member of his/her immediate family. No deduction shall be made from the salary of such employee nor shall such leave be deducted from leave granted by other sections of this policy or provided by the Board of Directors.

With the authorization of the Chief Executive Officer, or Designee, each employee entitled to bereavement leave may extend their leave of absence to five (5) days with pay or seven (7) days if out of state travel or if two hundred (200) miles or more one-way travel is required. The additional days will not be deducted from a unit member's personnel necessity days.

Legal Reference:

EDUCATION CODE SECTIONS

44036 Leaves of absence for judicial and official appearances

44037 Jury duty; exemptions

45194 Bereavement leave of absences

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised: November 9, 2021

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4026

(Replaced BP 4027)

PERSONNEL

MANAGEMENT AND CONFIDENTIAL - LEAVES – ILLNESS/INJURY

Classified management and confidential employees shall receive the same leave benefits as classified unit members as found in the classified collective bargaining agreement, Article 12, Leave Provisions, exclusive of Personal Necessity Leave (See: BP 4028).

Legal Reference:

EDUCATION CODE SECTIONS

45136 Benefits of probationary and permanent part-time classified employees

45191 Leave of absence for illness or injury

45193 Leave of absence for pregnancy

45196.1 Parental leave; exhaustion of available sick leave; deduction from salary

45197 Annual vacation

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Revised First Reading: October 20, 1982

Revised Second Reading: November 17, 1982

Revised Adoption: November 17, 1982

Revised First Reading: April 27, 1989

Revised Second Reading: May 25, 1989

Revised Adoption: May 25, 1989

Revised: November 9, 2021

Revised: June 17, 2022

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4028

PERSONNEL

MANAGEMENT AND CONFIDENTIAL - PERSONAL NECESSITY LEAVE

### Purpose

Employees may use a maximum of seven days of their accrued personal illness/injury leave during each school year for reasons of personal necessity.

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions;
2. An accident involving the employee's person or property or the person or property of a member of the employee's immediate family;
3. A serious illness of a member of the certificated employee's immediate family;
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order;
5. Fire, flood, or other immediate danger to the home of the employee; and
6. Personal business of a serious nature which the employee cannot disregard.

Leave for personal necessity may be allowed for other reasons at the discretion of the Chief Executive Officer or designee. However, no such leave shall be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Chief Executive Officer or designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of any employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of his/her immediate family, or the serious illness of a member of the employee's immediate family.

However, the employee shall notify the Chief Executive Officer or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed Agency leave form to his/her immediate supervisor.

Legal Reference:

EDUCATION CODE SECTIONS

45207 Personnel necessity

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 14, 1981

Readopted: October 20, 1982

Revised: November 9, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4029

### PERSONNEL

#### MANAGEMENT AND CONFIDENTIAL – VACATION LEAVE

Management and confidential employees shall be granted earned vacation with pay at the regular rate of pay the employee would be paid if working at the time of vacation.

Management and confidential employees may accrue vacation leave at the rate of one day per calendar month of employment during any fiscal year.

1. Upon completion of the seventh calendar year of employment, vacation may be accrued at the rate of 1.50 per month of employment
2. Upon completion of the fourteenth calendar year of employee, vacation may be accrued at the rate of 1.75 days per month of employment.
3. Upon completion of the nineteenth calendar year of employment, vacation may be accrued at the rate of 2.00 days per month of employment.

Management and confidential employees may take vacation at mutually agreeable times during the fiscal year upon prior approval of his/her immediate supervisor. Written requests for vacation should be submitted to the immediate supervisor. Written requests for vacation should be submitted to the immediate supervisor for approval no less than two weeks prior to the proposed vacation dates, except in case of an emergency or other unexpected need. Requests for vacation leave may be granted taking into account work schedules, Agency work requirements, and busing commitments made to schools served by the Agency. Employees will be notified in writing whether a vacation request has been granted or denied. In order to avoid a denial of a request for carryover of vacation, a management/confidential employee should submit multiple vacation requests, and make additional vacation requests whenever a vacation request is denied.

If mutually agreeable time for vacation leave are not reached after good faith attempts by a management/confidential employee and the Agency to schedule vacation leaves, the amount not taken may be carried over and accumulated for use in the next fiscal year. Due to Agency work requirements, the needs of schools served, and vacation requests of other employees, a management/confidential should not expect that vacation leave requests will be requirements of this policy and the Agency does not permit a management/confidential employee to take his/her full annual vacation in the fiscal year in which it was earned. A written request for carry-over of unused vacation should be submitted in writing at least one (1) month in advance of the end of the current fiscal year, but in no event later than June 30, and must include copies of written denials of requests for vacation leave. No more than one (1) full annual vacation period may be carried over from fiscal year to fiscal year.

Employees who resign, retire or otherwise separate from service with the Agency must either use earned or unused vacation prior to separation from service or be paid for earned and unused vacation, at their current rate of pay at the option of the Agency.

Only management/confidential employees and their supervisors will have access to a management/confidential employee's vacation leave statement, except as required by law.

Compliance with this policy will be discussed as part of a management/confidential employee's annual evaluation. Failure to comply with this policy may be cause for disciplinary action.

All requests for vacation shall be made in writing. Vacation requests shall be granted or denied in writing.

Legal Reference:

EDUCATION CODE

45197 Annual vacations

First Reading: December 3, 1980

Second Reading: January 14, 1981

Adopted: January 24, 1981

Revised First Reading: October 20, 1982

Revised Second Reading: November 17, 1982

Revised Adoption: November 17, 1982

Revised First Reading: April 27, 1989

Revised Second Reading: May 25, 1989

Revised Adoption: May 25, 1989

Revised First Reading: August 9, 2005

Revised Second Reading: September 13, 2005

Revised Adoption: September 13, 2005

Revised: November 9, 2021



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4030

(Previously BP 3006 and 3007)

### PERSONNEL

#### NONDISCRIMINATION IN EMPLOYMENT

The Board of Directors desires to provide a positive work environment where employees and job applicants are assured of equal access and opportunities and are free from harassment in accordance with law. The Board prohibits Agency employees from discriminating against or harassing any other Agency employee or job applicant on any basis as prohibited by law, including but not limited to race, religious creed, color, national origin, ancestry, age, marital status, covered veteran's status, physical or mental disability, medical condition, genetic information, gender, gender identity, gender expression, sex, or sexual orientation.

Prohibited discrimination consists of the taking of any adverse employment action against a person, including termination or denial of promotion, job assignment, or training, or in discriminating against the person in compensation, terms, conditions, or other privileges of employment based on any of the prohibited categories of discrimination listed above.

The prohibition against discrimination based on the religious creed of an employee or job applicant includes any discrimination based on the person's religious dress or grooming practices or any conflict between the person's religious belief, observance, or practice and an employment requirement. The prohibition against discrimination based on the sex of an employee or job applicant shall include any discrimination based on the person's pregnancy, childbirth, breastfeeding, or any related medical conditions. (Government Code [12926](#), [12940](#))

Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe or pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The Board also prohibits retaliation against any Agency employee or job applicant who complains, testifies, assists, or in any way participates in the Agency's complaint procedures instituted pursuant to this policy.

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

The following position is designated as Coordinator for Nondiscrimination in Employment:

Human Resources Administrator  
670 West Avenue L-8  
Lancaster, CA 93534

661-945-3621 ext. 243

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of Agency policy should, as appropriate, immediately contact his/her supervisor, the Coordinator, or the Chief Executive Officer who shall advise the employee or applicant about the Agency's procedures for filing, investigating, and resolving any such complaint.

Complaints regarding employment discrimination or harassment shall immediately be investigated in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Coordinator or Chief Executive Officer as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

#### Training and Notifications

The Chief Executive Officer or designee shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the district's policies and regulations regarding discrimination.

The Chief Executive Officer or designee shall regularly publicize, within the Agency and in the community, the Agency's nondiscrimination policy and the availability of complaint procedures. Such publication shall be included in each announcement, bulletin, or application form that is used in employee recruitment. (34 CFR [100.6](#), [106.9](#))

The Agency's policy shall be posted in all Agency offices including staff lounges and meeting rooms. (5 CCR [4960](#))

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination

##### CIVIL CODE

51.7 Freedom from violence or intimidation

##### GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

##### PENAL CODE

422.56 Definitions, hate crimes

##### CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

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

UNITES STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance Information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal. LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 Cal App 4<sup>th</sup> 837

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisor, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March 1999

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEBSITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

First Reading: December 3, 1980  
Second Reading: January 14, 1981  
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Readopted: February 16, 1983  
First Reading: August 18, 2009  
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Readopted: September 8, 2009  
Revised: November 9, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4031

#### PERSONNEL

#### COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

The following procedures shall be used when an AVSTA employee or job application has a complaint alleging that a specific action, policy, procedure or practice discriminates against his/her on any basis specified in the district's nondiscrimination policies.

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 Agency's nondiscrimination 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 Agency determines as least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the Agency, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a Agency complaint 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 district 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 may make a complaint, orally or in writing to the supervisor of the department where the allegedly discriminatory act occurred. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

### Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the Agency nondiscrimination coordinator within 10 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 district staff member 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 nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within 10 working days.

The coordinator 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 a response from third parties is necessary, the coordinator may designate up to ten additional working days for investigation of the complaint.

### Level III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Chief Executive Officer or designee within 10 days. The Chief Executive Officer or designee shall review the Level II investigation file, including the written complaint and all responses from Agency staff. The Chief Executive Officer or designee shall render his/her decision to the complainant in writing within 10 working days.

If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to 10 additional working days for such investigation and shall render his/her decision to the complainant in writing within 10 days of completing the investigation.

### Other Remedies

Complainants may appeal the Agency's action to the California Department of Education. The Chief Executive Officer 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 district's nondiscrimination complaint procedures and included in any related notices. (Education Code [262.3](#))

Legal Reference:

EDUCATION CODE

[200-262.3](#) Prohibition of discrimination

GOVERNMENT CODE

[12920-12921](#) Nondiscrimination

[12940-12948](#) Discrimination prohibited; unlawful practices, generally

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

SECTION 504, REHABILITATION ACT OF 1973

AGE DISCRIMINATION ACT OF 1975

AMERICANS WITH DISABILITIES ACT

First Reading: August 18, 2009

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4032

### PERSONNEL

#### COMPLAINTS CONCERNING AGENCY EMPLOYEES

The Board of Directors accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the Agency's operations and provisions of services.

The Board prohibits retaliation against complainants. The Chief Executive Officer or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The Agency will not investigate anonymous complaints unless it so desires.

#### Complaint Procedures

The Chief Executive Officer or designee shall determine whether a complaint should be considered a complaint against the Agency and/or the individual, and whether it should be resolved by the Agency's process for complaints concerning personnel, other Agency procedures or both.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against Agency employees:

#### Informal Level

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints concerning Agency personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.

#### Level I

2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor.
3. All complaints related to Agency personnel other than administrators shall be submitted in writing on Agency forms to the immediate supervisor. Complaints related to a management or supervisor shall be initially filed in writing on Agency forms with the Chief Executive Officer or designee. Complaints related to a Board of Director member or to the Chief Executive Officer shall be initially filed in writing with the Board.
4. All complaints regarding Agency employees must be filed within 60 calendar days of the alleged event giving rise to the complaint.
5. The person responsible for investigating the complaint will attempt to resolve the complaint to the satisfaction of the person(s) involved within 10 work days upon receipt of written complaint.



## Level II

6. The complainant may appeal a decision by the immediate supervisor to the Chief Executive Officer or designee within 10 work days of receiving the decision of the immediate supervisor. The Chief Executive Officer or designee will attempt to resolve the complaint to the satisfaction of the complainant within 20 work days. The Chief Executive Officer or designee's decision shall be final.

## Procedures Related to Level I and Level II Complaints

All complaints, and complaint appeals, must be submitted on Agency forms.

Notification and all related communication relative to a Level I or Level II complaint shall be in writing delivered in person, or United States Mail /or faxed to the Agency office at 661-949-7393. E-mail and telephonic communication will NOT be accepted or used in the complaint proceedings.

"Work day" is defined as a day the Agency office is open for business. In the event a complaint is not resolved prior to July 1, all timelines will be held in abeyance until September 1.

## Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the Agency shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Chief Executive Officer or designee shall provide an interpreter if needed. (Education Code [48987](#))

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

## Legal Reference:

### EDUCATION CODE

[33308.1](#) Guidelines on procedure for filing child abuse complaints

[35146](#) Closed sessions

[44031](#) Personnel file contents and inspection

[48987](#) Child abuse guidelines

### GOVERNMENT CODE

[54957](#) Closed session; complaints re employees

[54957.6](#) Closed session; salaries or fringe benefits

### PENAL CODE

[273](#) Cruelty or unjustifiable punishment of child

[11164-11174.3](#) Child Abuse and Neglect Reporting Act

### WELFARE AND INSTITUTIONS CODE

[300](#) Minors subject to jurisdiction of juvenile court

## Management Resources:

CDE LEGAL ADVISORIES

[0910.93](#) Guidelines for parents to report suspected child abuse by school District employees or other persons against a pupil at school site (LO:4-93)

First Reading: August 10, 2021

Second Reading: November 9, 2021

Adopted: November 9, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4033

### PERSONNEL

#### COMPLAINTS – MISAPPLICATION OF AGENCY'S POLICIES, REGULATIONS, RULES OF PROCEDURE

The following guidelines shall prescribe the manner in which complaints are handled:

1. A “complaint” shall be generally defined as an alleged misapplication of the Agency’s policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Board of Directors, if necessary. The formal complaint procedures specified below will be used to address allegations related to a misapplication of the Agency’s own policies, regulations, rules of procedures. In exceptional cases, the complaint procedure will be used to resolve conflicts between employees that result from misunderstanding in working relationships.

The Agency’s complaint procedures concerning Agency personnel should be used to address allegations related to a specific Agency employee or employees.

2. So as not to interfere with work schedules, meetings related to a complaint shall be held before or after the complainant’s regular working hours.
3. All matters related to a complaint shall be kept confidential, except to the extent necessary to investigate the complaint or required to be disclosed by law. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
4. All documents, communications and records dealing with the complaints shall be placed in an Agency complaint file and may be placed in an employee’s personnel file.
5. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
6. Time limits specified in these procedures will be strictly adhered to. Any complaint not taken to the next step within the prescribed time limits shall be considered settled on the basis of the answer given the preceding step.

#### Informal Complaints

Employees are encouraged to resolved complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

## Formal Complaint Procedure

Step 1: If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint (Employee Formal Complaint Form) with the immediate supervisor within ten (10) working days of the act of event which is the subject of the complaint.

Within ten (10) working days of receiving the complaint, the immediate Supervisor/Manager shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor shall present all concerned parties with a written answer to the complaint within ten (10) working days after the meeting.

Step 2: If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Human Resources Administrator within five (5) working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate Supervisor/Manager shall submit to the H.R.A. a report describing attempts to resolve the complaint in Step 1.

The H.R.A. shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The H.R.A. shall present all concerned parties with a written answer to the complaint within ten (10) working days after the meeting.

If the resolution is not satisfactory for the complainant, he/she may ask for a review of the documentation by the CEO. If necessary, the CEO will meet with the complainant. At the end of ten (10) working days, the CEO will give a written response. The CEO's decision shall be final.

First Reading: December 14, 1995

Second Reading: January 25, 1996

Adopted: January 25, 1996

First Reading: April 8, 2008

Second Reading: April 21, 2008

Readopted: April 21, 2008

Revised: November 9, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4100

PERSONNEL

SCHOOL BUS DRIVERS

### Qualifications

All drivers employed to operate school buses or student activity buses shall possess, and shall retain in their immediate possession while operating the bus, the following documents: (Vehicle Code 12517, 12517.4)

1. A valid driver's license issued by the California Department of Motor Vehicles (DMV) for the appropriate class of vehicle to be driven and endorsed for school bus and/or passenger transportation
2. A certificate issued by the California Highway Patrol (CHP) which permits the operation of school buses or student activity buses, as applicable

The Chief Executive Officer or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an initial certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

When initially applying for or renewing a license or certificate to drive a school bus or student activity bus, and annually upon reaching age 65 years, the driver shall submit to the DMV and to the Chief Executive Officer or designee a report of a medical examination conducted in accordance with the timelines and procedures specified in Vehicle Code 12517.2. (Vehicle Code 12517.2; 13 CCR 1234)

The Chief Executive Officer or designee shall notify each driver of the expiration date of his/her driver's license, certificate, and medical certificate and shall ensure each document is renewed prior to expiration. (13 CCR 1234)

School bus and student activity bus drivers shall be subject to drug and alcohol testing in accordance with Board policy and the requirements of federal law.

The Chief Executive Officer or designee shall notify the DMV within five days whenever any driver refuses, fails to comply, or receives a positive test result on a drug or alcohol test; is dismissed for a cause related to student transportation safety; or is reinstated after being dismissed for a cause related to student transportation safety. (Vehicle Code 1808.8, 13376)

### Training

In addition to any other training required to obtain or renew the certificate authorizing operation of a school bus or student activity bus, drivers shall receive training which includes, but is not limited to:

1. First aid practices deemed necessary for school bus drivers, through a course of instruction that prepares drivers to pass the related DMV examination (Vehicle Code 12522)
2. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)
3. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)

To determine any other needs for professional development, the Chief Executive Officer or designee shall periodically review accident reports involving agency drivers and may seek input from drivers, agency administrators, students, and/or other stakeholders on desired topics for professional development.

#### Authority

Students transported in a school bus or student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway, or road. (5 CCR 14103)

The driver shall have the authority to discontinue the operation of a school bus or student activity bus whenever he/she determines that it is unsafe to continue.

#### Responsibilities

The driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in agency plans and regulations pertaining to transportation safety.

The driver shall stop to load or unload students only at school bus stops designated by the Chief Executive Officer or designee, or authorized by the Chief Executive Officer or designee for school activity trips. (13 CCR 1238; Vehicle Code 22112)

The driver shall activate the amber warning light system, flashing red signal lights, and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

The driver shall not drive a school bus or student activity bus while using a wireless telephone or using a wireless communications device for text-based communication, except when otherwise authorized by law and Board Policy, including for work-related purposes, for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency service agency or entity. (Vehicle Code

23125). If any of the events listed above occur, the driver must pull over and safely secure the school bus before a cell phone is used.

The driver shall report the following to the Chief Executive Officer or designee:

1. The condition of the bus at the completion of each work day (13 CCR 1215)
2. His/her duty status for each 24-hour period, including, but not limited to, the number of hours on and off duty (13 CCR 1213)
3. Any traffic accident involving the bus (13 CCR 1219)

In addition to notifying the Chief Executive Officer or designee, the driver shall immediately notify the CHP of any traffic accident, the Agency member school district for which the bus is being driven, and, if the bus is operated under contract, his/her employer. (13 CCR 1219)

4. Traffic violations
5. Consistently late school dismissals which cause transportation delays
6. Overload runs
7. Recurring and serious student misbehavior
8. Parent/guardian and student complaints
9. Frequent parent delays of student release

#### Vehicle Idling

The driver of a school bus or student activity bus shall: (13 CCR 2480)

1. Turn off the bus engine upon stopping at a school or within 100 feet of a school and not restart the engine more than 30 seconds before beginning to depart
2. Not cause or allow the bus to idle at any location greater than 100 feet from a school for more than five consecutive minutes or for an aggregated period of more than five minutes in any one hour

However, vehicle idling may be allowed under limited conditions, including, but not limited to, occasions when idling is necessary to: (13 CCR 2480)

1. Stop for an official traffic control signal or device, for traffic conditions under which the driver has no control, or at the direction of law enforcement
2. Ascertain that the bus is in safe operating condition and properly equipped

3. Operate equipment designed to safely load, unload, or transport students with disabilities
4. Operate a heater, air conditioner, defroster, or other equipment as necessary to ensure the safety or health of passengers
5. Cool down a turbo-charged diesel engine before turning off the engine
6. Recharge a battery or other energy storage unit of a hybrid electric bus or vehicle

The Chief Executive Officer or designee shall notify all drivers, upon employment and at least once per year thereafter, of the requirements specified above and the potential legal and employment consequences of failure to comply. All complaints of noncompliance shall be reviewed and remedial action taken as necessary. The Chief Executive Officer or designee shall retain records of the training and of any complaints and enforcement actions for at least three years. (13 CCR 2480)

### Reports

The Chief Executive Officer or designee shall retain records of: (13 CCR 1234)

1. Each driver's duty status and supporting documents provided pursuant to 13 CCR 1201 and 1213. Such records shall be retained for six months and made available to the CHP upon request.
2. The different types of vehicles and vehicle combinations each driver has demonstrated capability to operate.
3. Records of each driver's license, certificate, medical certificate, first aid certificate, and training as specified in 13 CCR 1234.
4. Daily vehicle inspection reports prepared by drivers pursuant to 13 CCR 1215.

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Second Reading: June 14, 2023  
Third Reading: August 9, 2023  
Adopted: August 9, 2023



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4200

(Replaced BP 4002 & 4003)

### PERSONNEL

#### CLASSIFIED PERSONNEL

The Board of Directors ("Board") shall fill each of its classified positions with qualified persons, consistent with position requirements. Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with collective bargaining agreements.

#### Classification of Employees

The Board shall classify all employees and positions not requiring certification qualifications as the classified service, except for those employees and positions specifically exempt from classified service. Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position.

Before employing a short-term classified employee, the Board, at a regularly scheduled meeting, shall specify the service required to be performed by the employee and shall certify the ending date of the service. The Board may shorten or extend the ending date, but the date shall not be extended beyond 75 percent of the school year, as defined.

Each position shall have a designated title and regular minimum number of assigned hours per day, days per week and months per year. A job description shall be established for each position.

#### Assignment

Classified employees shall be assigned by their immediate supervisors with the approval of the Chief Executive Officer or designee. They shall be required to perform those duties prescribed by the Board for the position the employee holds, in accordance with applicable job descriptions and collective bargaining agreements.

#### Legal Reference:

#### EDUCATION CODE

- 45100-45139 Employment of classified staff
- 45160-45169 Salaries and differential compensation
- 45190-45210 Resignation and leaves of absence
- 45220-45320 Merit system
- 49406 Examination for tuberculosis
- 51760-51769.5 Work experience education

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4200

(Replaced BP 4002 & 4003)

PERSONNEL

CLASSIFIED PERSONNEL

Individuals hired solely for the following purposes are exempt from the classified service:

1. Substitute or short-term employees, as defined, who are employed and paid for less than 75 percent of the school year.

Substitute employee means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the Agency is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the Board of Directors may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

Short term employee means any person who is employed to perform a service for the Agency, upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Seventy-five percent of the school year means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of the number of hours worked per day.

2. Apprentices and professional experts employed on a temporary basis for a specific project regardless of length of employment.
3. Full-time students employed part time.
4. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district, and which is financed by state or federal funds.

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to Education Code section 45122, fingerprinting pursuant to Education Code section 45125, and tuberculosis tests pursuant to Education Code section 49406.

First Reading: February 12, 2013

Adopted: February 12, 2013

Revised: January 12, 2021

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4211 / 4311

PERSONNEL

RECRUITMENT AND SELECTION

The Board of Directors ("Board") desires to employ the most highly qualified and appropriate person available for each open position in order to improve Agency operations.

The Chief Executive Officer ("CEO") or designee shall recruit candidates for open positions based on an assessment of the needs for specific skills, knowledge and abilities. He/she shall develop job descriptions that accurately describe all essential and marginal functions and duties of each position.

The CEO or designee shall develop selection procedures that identify the best possible candidate for each position based on screening processes, interviews, observations and recommendations from previous employers. He/she may establish an interview committee, as appropriate, to rank candidates and recommend finalists. All discussions and recommendations shall be confidential in accordance with law.

During job interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

For each position, the CEO or designee shall present to the Board one candidate who meets all qualifications established by law and the Board for the position. No person shall be employed by the Board without the recommendation or endorsement of the CEO or designee.

Legal Reference:

### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
45103-45138 Employment (classified employees)  
49406 Examination for tuberculosis  
52051 Academic Performance Index

### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, including:  
12940-12956 Discrimination prohibited; unlawful practices  
UNITED STATES CODE, TITLE 8  
1. 324a Unlawful employment of aliens  
1324b Unfair immigration related practices

### UNITED STATES CODE, TITLE 42

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

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments  
12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28  
35.101-35.190 Americans with Disabilities Act

First Reading: February 12, 2013  
Adopted: February 12, 2013

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4211.2 / 4311.2

PERSONNEL

LEGAL STATUS REQUIREMENT

The Agency shall hire only citizens and aliens who are lawfully authorized to work in the United States. The Chief Executive Officer or designee shall ensure that Agency employment practices do not unlawfully discriminate on the basis of citizenship status or national origin, including but not limited to, discrimination against any refugees, grantees of asylum, or persons qualified for permanent or temporary residency.

All new employees shall show appropriate documents which certify that they are legally eligible to work in the United States, as required by law and in accordance with administrative regulation.

Legal Reference:

UNITED STATES CODE, TITLE 8

1324(a)(b) Immigration and Nationality Act, as amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8

274(a)(1)-(14) Control of Employment of Aliens

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4211.2 / 4311.2

PERSONNEL

LEGAL STATUS REQUIREMENT

Within three business days of hire, the Chief Executive Officer ("CEO") or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment eligibility as set forth in INS Form I-9. The CEO or designee shall (1) ensure that the documents presented appear to be genuine and relate to the individual and (2) complete the "Employer Review and Verification" section of the Form I-9.

Persons employed for three days or less must provide such documentation on their first day.

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three days of the hire, and the replacement document must be provided within 90 days of the hire.

If an individual's employment authorization expires, the CEO or designee must reverify the I-9 form, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that either shows continuing employment eligibility or a new grant of work authorization.

After examining the documents presented, the CEO or designee shall copy them. Such copies shall be retained with the individual's I-9 form. The documents shall be kept confidential and used only as needed to help justify the Agency's past decision to accept the documents as valid. The Agency shall retain the I-9 forms for three years after the date of the hire or for one year after the date the individual's employment is terminated, whichever is later.

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4212

### PERSONNEL

### APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Upon recommendation of the Chief Executive Officer, the Board of Directors ("Board") shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting. Individuals appointed to the classified staff shall, at a minimum:

1. submit to fingerprinting as required by law;
2. not have been convicted of a violent or serious felony as defined in Penal Code sections 667.S(c) and 1192.7(c);
3. not have been convicted of any sex offense as defined in Education Code section 44010;
4. not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code sections 6300-6332;
5. if the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code section 290 because of a conviction for a crime where the victim was a minor under the age of 16;
6. not have been convicted of any controlled substance offense as defined in Education Code section 44011;
7. submit to a physical examination or provide proof thereof as required by law and Board policy;
8. file the oath or affirmation of allegiance required by Government Code sections 3100-3109;
9. submit to drug and alcohol testing as required by Board policy; and
10. fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation.

#### Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment of work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of

compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor.

Legal Reference:

EDUCATION CODE

35161 Powers and duties

44010 Sex offense – definitions

44011 Controlled substance offense – definitions

45103 Classified service in districts not incorporating the merit system

45104 Positions not requiring certification qualifications

45105 Positions under various acts not requiring certification qualifications

45108 Restricted positions

45113 Rules and regulations for classified service in districts no incorporating the merit system

45122 Physical examinations

45122.1 Classified employees, conviction of a violent or serious felony

45123 Employment after conviction of sex offense or controlled substance offense

45125 Use of personal identification cards to ascertain conviction of crime

45169 Employee salary data

49406 Examination of tuberculosis

60850-60856 High school exit exam

GOVERNMENT CODE

3100-3109 Oaths or affirmations

12940-12950 Unlawful employment practices

PENAL CODE

290 Registration of sex offenders

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

1203.4 Discharged petitioner, change of plea

WELFARE AND INSTITUTIONS CODE

6300-6332 Sexual psychopaths

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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4212.4 / 4312.4

PERSONNEL

HEALTH EXAMINATIONS

### Tuberculosis Test

No Agency applicant shall be initially employee unless he/she has placed on file with the Agency a certificate from a physician licenses under the Business and Professions Code indicating that a tuberculosis examination within the past 60 days shows that he/she is free from active tuberculosis.

Applicants shall pay for the cost of the pre-employment tuberculosis examination.

An applicant who was previously employed in a California school district or another California school transportation agency may fulfill the tuberculosis examination requirement by either producing a certificate showing that he/she was examined within the last four years and found to be free of active tuberculosis or by having the school district or transportation agency that last employed him/her verify that is has on file a certificate which contains that evidence.

Employees who test negative on the initial tuberculin skin test shall undergo a tuberculosis examination at least once every four years. However, upon recommendation of the county health officer, the Agency may order more frequent testing.

Tuberculosis tests for employee shall be provided by the Agency or at Agency's expense.

If an employee's religious belief prevents him/her from undergoing a tuberculosis examination, the employee shall file an affidavit stating that he/she adheres to the faith or teachings or any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion, and that to the best of his/her knowledge or belief he/she is free from active tuberculosis. In order to exempt the individual, the Board of Directors shall determine by resolution, after a hearing, that the health of students and/or other Agency employees would not be jeopardized.

Legal Reference

### EDUCATION CODE

44839.5 Requirement for employment of retirant

45122 Physical examinations

49406 Examination for tuberculosis

### CODE OF REGULATIONS, TITLE 5

5502 Filing of notice of physical examination for employment of retired persons

5503 Physical examination for employment of retired persons

5504 Medical certification procedures

### COURT DECISIONS

Raven v. Oakland Unified School District (1989) 213 Cal.App03d 1347

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4212.41 / 4312.41

PERSONNEL

PRE-EMPLOYMENT DRUG/ALCOHOL TESTING

The Board of Directors (“Board”) maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee’s pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

45122 Physical examinations

GOVERNMENT CODE

8350-8357 Drug-free workplace

12940 Unlawful employment practices

CODE OF REGULATIONS, TITLE 5

5504 Medical certifications procedures

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

UNITED STATES CODE, TITLE 20

7101-7184 Safe and Drug-Free Schools and Communities Act

COURT DECISIONS

Loder v. City of Glendale, (1997) 14 Cal. 4<sup>th</sup> 846

Vernonia School District 47J v. Acton, (1995) 115 S.Ct.2386

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

National Treasury Employees Union v. Von Raab, (1989) 109 S.Ct.1384

Skinner v. Railway Labor Executives’ Assn, (1989) 489 U.S. 602

First Reading: February 12, 2013  
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## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4212.41 / 4312.41

PERSONNEL

PRE-EMPLOYMENT DRUG/ALCOHOL TESTING

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the Agency.

To ensure the privacy of the drug and alcohol screening of job applicants, the Agency will not use test results for any purpose other than those stated in Board policy and administrative regulation. The Agency shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Chief Executive Officer or designee is presented with a court order requiring the disclosure.

All initial screening tests shall be conducted at the Agency's expense. If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test also shall be conducted at the Agency's expense.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the Agency.

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4212.42  
(Replaced BP 4032)

### PERSONNEL

#### DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE POSITIONS

The Board of Directors desires to ensure that Agency-provided transportation is safe for students, staff, and the public. To that end, the Chief Executive Officer ("CEO") or designee shall establish a drug and alcohol testing program designed to prevent the operation of buses or the performance of other safety-sensitive functions by an employee under the influence of drugs or alcohol. The Agency's drug and alcohol testing program shall apply to all employees who perform safety-sensitive functions, including but not limited to, an Agency driver, a bus aide, a mechanic, or any other employee who holds a commercial driver's license which is necessary to perform duties related to Agency employment.

An employee shall not report for duty or remain on duty when he/she has used any drug listed in 21 CFR 1308.11. An employee is also prohibited from reporting for duty or remaining on duty when he/she has used any drug listed in 21 CFR 1308.12-1308.15, unless he/she is using the drug under the direction of a physician who has advised him/her that the substance will not adversely affect the employee's ability to safely perform their duties. Employees shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. In addition, an employee shall not consume alcohol while on duty or for four hours prior to on-duty time. (49 CFR 382.201-382.209, 382.213)

The Agency's testing program shall include pre-employment drug testing and reasonable suspicion, random, post-accident, return-to-duty, and follow-up drug and alcohol. (49 USC 31306; 49 CFR 382.301-382.311)

The CEO or designee shall contract for testing services upon verifying that the personnel are appropriately qualified and/or certified and that testing procedures conform to federal regulations.

Except as otherwise provided by law, the CEO or designee shall not release individual test results or medical information about an employee to a third party without the employee's specific written consent. (49 CFR 40.321)

#### Consequences Based on Test Results

Any employee who refuses to take a required drug or alcohol test, tests positive for drugs, or is found to have a blood alcohol concentration level that exceeds the levels specified in law shall be removed from safety-sensitive functions in accordance with 49 CFR 40.23 and 382.211.

No employee shall be temporarily removed from the performance of safety-sensitive functions based only on a laboratory report of a confirmed positive test before the certified medical review officer has completed verification of the test results, unless the Agency has obtained a waiver. (49 CFR 40.21, 382.107, 382.119)

Not later than five days after receiving notification of the test result or refusal to comply, the CEO or designee shall report any refusal, failure to comply, or positive test result to the California Department of Motor Vehicles (DMV) using a form approved by the DMV. (Vehicle Code 13376)

Any employee who refuses, fails to comply, or has a positive test result may be referred to an education and treatment program that meets the requirements of 49 CFR 40.281-40.313. If the substance abuse professional recommends that ongoing services are needed to assist the employee to maintain sobriety or abstinence from drug use, the CEO or designee shall require the employee to participate in the recommended services as part of a return-to-duty agreement and shall monitor his/her compliance. Any drop from a rehabilitation or return-to-duty program or a subsequent positive test result shall be reported to the DMV. (Vehicle Code 13376; 49 CFR 40.285, 40.287, 40.303, 382.605)

An employee who violates federal drug and alcohol regulations, or the Agency's policies on drug and alcohol testing, may be subject to disciplinary action up to and including dismissal in accordance with law, Agency policies and regulations, and the Agency's collective bargaining agreement.

The CEO or designee shall ensure that each employee receives an explanation of the federal regulations and the Agency's policy and procedure in accordance with law. In addition, each employee shall sign a statement certifying that he/she has received a copy of the above materials. Representatives of employee organizations shall be notified of the availability of this information.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

##### GOVERNMENT CODE

8355 Drug-free workplace; employee notification

##### VEHICLE CODE

13376 Driver certificates; revocation or suspension

34500-34520.5 Safety regulations

##### CODE OF REGULATIONS, TITLE 13

1200-1293 Motor carrier safety

1213.1 Placing drivers out -of-service

##### UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

##### UNITED STATES CODE, TITLE 49

31306 Alcohol and controlled substances testing

##### CODE OF FEDERAL REGULATIONS, TITLE 21

1308.11-1308.15 Controlled substances

CODE OF FEDERAL REGULATIONS, TITLE 49

40.1-40.413 Part 40, Procedures for transportation workplace drug and alcohol testing programs

382.101-382.605 Controlled substance and alcohol use and testing; especially:

382.205 On-duty use

382.207 Pre-duty use

382.209 Use following an accident

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Revised First Reading: July 21, 2020

Revised Second Reading: August 18, 2020

Readopted: August 18, 2020



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4212.42

(Replaced BP 4032)

### PERSONNEL

### DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE POSITIONS

#### Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the employee for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the employee from performing safety-sensitive functions until the employee has successfully completed the return-to-duty process. (49 CFR 382.107, 382.201, 382.505)

Safety-sensitive function means all time from the time an employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the bus or bus equipment; loading or unloading the bus; supervising or assisting in the loading or unloading of the bus; and repairing, obtaining assistance, or remaining in attendance upon a disabled bus; performing requirements related to accidents; and performing any other work for the Agency or paid work for any other entity. (49 CFR 382.107)

#### Designated Employer Representative

The CEO or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove employees from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (49 CFR 40.3)

#### Pre-Employment Tests

When hiring a new employee, the CEO or designee shall, with the employee's written consent, request his or her past drug and alcohol testing record, as specified in 49 CFR 40.25, from any previous employer at any time during the previous two years. In addition, the CEO or designee shall ask the employee if he/she tested positive, or refused to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that he/she did not obtain. The employee shall not be permitted to perform safety-sensitive functions if he/she refuses to provide consent to obtain the information from previous employers, the information from previous employers is not received within 30 days of the date on which the employee first performed safety-sensitive functions for

the district, or the employee or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413)

Upon making a contingent offer of employment to an employee and prior to the first time the employee performs safety-sensitive functions for the district, the CEO or designee shall require the employee to undergo testing for drugs and to receive a verified negative test result. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The employee has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the employee either was tested within the past six months or participated in a random drug testing program for the previous 12 months.
3. The CEO or designee has contacted the testing program(s) in which the employee has participated and has obtained information about the program and the employee's participation as specified in 49 CFR 382.301.
4. No prior employer of the employee of whom the district has knowledge has records of the employee's violation of federal drug testing regulations within the previous six months.

Pre-employment testing shall also be required of employees returning to work after a layoff period if the employee was removed from the random testing pool. If the employee remains in the random testing pool, additional testing shall not be necessary.

#### Post-Accident Tests

As soon as practicable following an accident involving a school bus or student activity bus, the CEO or designee shall ensure that the employee involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

1. The accident involved loss of human life.
2. The employee receives a citation for a moving violation and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing..
3. The accident involved a serious medical injury.
4. The employee's performance cannot be excluded as a contributing factor based on information available at the time of the accident.

Employees shall make themselves readily available for testing, absent the need for immediate medical attention.

No such employee shall use alcohol for eight hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours of the accident or if a drug test is not administered within 32 hours, the Agency shall prepare and maintain records explaining why the test was not conducted. Tests shall not be given if not administered within eight hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state or local officials shall fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

#### Random Tests

Alcohol and drug tests shall be conducted on a random basis at unannounced times throughout the year. Such tests shall be conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The CEO or designee shall ensure that the percentage of district employees randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each employee selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each employee who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Employees off work due to leaves, vacation and layoffs shall be informed that they remain subject to random testing. Employees drawn for such testing shall be notified and tested as soon as practicable after they return to duty.

#### Reasonable Suspicion Tests

An alcohol or drug test shall be conducted if a supervisor or Agency official trained in accordance with law has reasonable suspicion that an employee has violated the Agency's alcohol or drug prohibitions. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the employee's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, the CEO or designee shall prepare and sign a written record of the observations leading to a reasonable suspicion test. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the CEO or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against an employee based solely on the employee's behavior and appearance, except that the employee shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

The CEO or designee shall ensure that an employee under reasonable suspicion is transported to the designated collection or testing site.

#### Enforcement

Any employee who refuses to submit to a post-accident, random or reasonable suspicion test, or to a follow-up test as described below, shall not perform or continue to perform safety-sensitive functions. Therefore, any employee who so refuses shall be immediately suspended and subject to disciplinary action, up to and including dismissal.

An employee who is tested and found to have an alcohol concentration of .02 or greater but less than .04 may not perform or continue to perform safety-sensitive functions including driving a commercial motor vehicle until the start of the employee's next regularly scheduled duty period, but not less than 24 hours after the test was administered.

An employee who tests positive for drugs or is found to have an alcohol concentration of .04 or greater shall be subject to disciplinary action up to and including dismissal.

An employee who violates Agency prohibitions related to drugs and alcohol shall receive from the Agency the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the employee needs in resolving such a problem. Any substance abuse professional who determines that an employee needs assistance shall not refer the employee to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program.

#### Return-to-Duty Tests

The CEO or designee may permit an employee who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the employee has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The employee shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

### Follow-up Tests

Upon receiving a written follow-up testing plan from a substance abuse professional, the CEO or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the district. (49 CFR 40.307-40.309, 382.111)

### Maintenance of Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, an employee shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the employee.

### Notifications

The CEO or designee shall provide each employee with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.303, 382.113, 382.601)

1. The identity of the person designated by the district to answer employee questions about the materials.
2. The categories of employees who are subject to drug and alcohol testing.
3. Sufficient information about the safety-sensitive functions performed by those employees to make clear what period of the workday the employee is required to be in compliance.
4. Specific information concerning prohibited employee conduct.
5. The circumstances under which an employee will be tested for drugs and/or alcohol, including post-accident testing.
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.
7. The requirement that an employee submit to drug and alcohol tests.
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. The consequences for employees found to have violated the prohibitions against drug or alcohol use, including the circumstances under which employees will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing.

10. The consequences for employees found to have a blood alcohol concentration between 0.02 and 0.04.
11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

Each employee shall sign a statement certifying that he/she has received a copy of the above materials. The CEO or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the employee. (49 CFR 382.601)

Before any employee operates a commercial motor vehicle, the Agency shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the Agency shall inform employees that the tests are required by federal regulations and/or Agency policies and regulations.

The Agency shall notify an employee of the results of a pre-employment drug test if the employee requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The Agency shall notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The Agency shall also tell the employee which controlled substance(s) were verified as positive.

First Reading: February 12, 2013

Adopted: February 12, 2013

Revised First Reading: September 8, 2020

Revised Second Reading: October 13, 2020

Readopted: October 13, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4212.5 / 4312.5

### PERSONNEL

#### CRIMINAL RECORD CHECK

##### Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data.

The Chief Executive Officer (“CEO”) or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the Agency is using the Live Scan system, the CEO or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The CEO or designee shall request the Department of Justice to forward one copy of the applicant’s fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant:

1. has not resided in the State of California for at least one year immediately preceding the application for employment; or
2. has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor.

The Board of Directors shall not employ an applicant until the Department of Justice completes its check of the state criminal history files.

The CEO or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code sections 667.5(c) or 1192.7(c), unless that person has obtained a certificate of rehabilitation or pardon.

The CEO or designee may hire a classified employee without waiting for the disposition of the employee’s criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety.

##### Subsequent Arrest Notification

The CEO or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code section 11105.2.

##### Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the CEO or

designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon.

Upon receipt of written notification of the fact of conviction from the Department of Justice, the CEO or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or Agency procedures, unless that employee has received a certificate of rehabilitation.

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the CEO or designee shall immediately reinstate the employee with full restoration of salary and benefits.

#### Legal Reference:

##### EDUCATION CODE

45122.1 Classified employees, conviction of a violent or serious felony  
45125 Use of personal identification cards to ascertain conviction of crime  
45125.01 Classified employees, interagency agreements  
45125.1 Fingerprint for contractors  
45125.5 Automated records check  
45126 Duty of Department of Justice to furnish information

##### GOVERNMENT CODE

6200-6203 Crimes related to public records

##### PENAL CODE

502 Unauthorized access to computers  
667.5 Violent felonies  
1192.7 Serious felonies  
11075-11081 Criminal record dissemination  
11105-11105.75 Criminal identification  
11140-11144 Furnishing of state criminal history information  
13300-13305 Local summary criminal history information

##### CODE OF REGULATIONS, TITLE 11

703 Release of criminal offender record information  
708 Destruction of criminal offender record information

First Reading: January 12, 2013

Adopted: January 12, 2013



ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4212.6 / 4312.6  
(Replaced BP 4009)

PERSONNEL

PERSONNEL FILES

The Board of Directors recognizes the important of keeping accurate personnel files.

The Chief Executive Officer shall establish files for all employees and ensure confidentiality in accordance with the law and collective bargaining agreements.

All employee personnel files located in the Agency office or in the immediate supervisor's office shall be maintained under the conditions set forth in the Administrative Regulation.

The Chief Executive Officer shall develop Administrative Regulations to implement this policy.

Legal Reference:

EDUCATION CODE

44031 Personnel file contents and inspection

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised: December 8, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4212.6 / 4312.6  
(Replaced BP 4030)

### PERSONNEL

#### PERSONNEL FILES

The Chief Executive Officer (“CEO”) or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the CEO or designee. The CEO or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, employees shall have access to any numerical scores obtained as result of written examinations.

#### Placement of Material in Personnel Files

Any person who places written material on drafts written material for placement in an employee’s file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel files must be approved by the Superintendent or designee.

#### Derogatory Information

Information of a derogatory nature shall not be entered into an employee’s personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose with a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement.

1. Derogatory material must be signed and dated by the originating person. Anonymous documents, letters or other materials shall be file.
2. The notice shall inform the employee that he/she should respond within 10 working days from the receipt of the notice. The inspection shall take place in the presence of the CEO or designee.

3. After the employee has reviewed and made written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

#### File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The CEO or designee shall not be required to make such records available at a time when the employee is required to render services to the Agency, unless the employee is required to view the file where it is stored. Inspection shall take place in the presence of the CEO or designee.

The CEO or designee shall do one of the following:

1. keep a copy of each employee's personnel records at the place where the employee reports to work;
2. make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request; or
3. permit the employee to inspect the personnel records at the location where the Agency stores the personnel records, with no loss of compensation to the employee.

Any employee wishing to inspect his/her personnel record shall contact the CEO or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Non credentialed employees shall have access to any numerical scores obtained as a result of written examinations.

The CEO or designee shall not be required to make available to the employee:

1. records relating to the investigation of a possible criminal offense;
2. letters of reference; or
3. ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the CEO or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

### File Review by Management and Board

Management personnel or Agency legal counsel with a valid “right to know” or “need to know” may, with the CEO or designee’s authorization, review an employee’s personnel file.

Members of the Board of Directors (“Board”) are not individually allowed to request and access personnel files, but the Board may request pertinent information from an employee’s file in cases of personnel action.

The general public shall not have access to employee personnel files.

### Legal Reference:

#### EDUCATION CODE

35253 Regulations to destroy records  
44031 Personnel files contents and inspection  
44663 Performance appraisals and related materials

#### GOVERNMENT CODE

3305-3306 District police officers; personnel files  
6254.3 Disclosure of home address and phone number

#### LABOR CODE

1198.5 Inspection of personnel files

#### PENAL CODE

11165.14 Report of investigation of child abuse complaint

#### CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions  
16023-16027 Retention of records

#### ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen. Indexed Letter, no. IL 75-73 (June 6, 1975)

First Reading: January 12, 2013

Adopted: January 12, 2013

Revised: December 8, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4212.62 / 4312.62

### PERSONNEL

### MAINTENANCE OF CRIMINAL OFFENDER RECORDS

All information received from the Department of Justice is confidential.

The Chief Executive Officer shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

Criminal Offender Record Information shall be accessible only to record custodian and shall be kept in locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced.

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

The record custodian shall ensure that the Agency complies with destruction, storage, dissemination, auditing, backgrounding and training requirements as set forth in Title 11 CCR section 700-708 and the rules regarding use and security of these records as set forth in Penal Code section 11077.

### Legal Reference:

#### EDUCATION CODE

- 45122.1 Classified employees, conviction of a violent or serious felony
- 45125 Use of personal identification cards to ascertain conviction of crime
- 45125.01 Interagency agreements
- 45125.5 Automated records check
- 45126 Duty of Department of Justice to furnish information

#### PENAL CODE

- 667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors

11140-11144 Furnishing of state criminal history information

13300-13305 Local summary criminal history information

#### CODE OF REGULATIONS, TITLE 11

700-708 Criminal offender record information

First Reading: February 12, 2013

Adopted: February 12, 2013

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

EXHIBIT

4212.62 / 4312.62

PERSONNEL

MAINTENANCE OF CRIMINAL OFFENDER RECORDS

SAMPLE EMPLOYEE STATEMENT FORM

Use of Criminal Justice Information

As an employee of Antelope Valley Schools Transportation Agency, you may have access to confidential criminal record information which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code section 502 prescribes the penalties related to computer crimes. Penal Code sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code section 6200 prescribes the felony penalties for misuse of public record and CLETS (California Law Enforcement Telecommunications System) information. Penal Code sections 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may also result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature: \_\_\_\_\_

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

First Reading: February 12, 2013

Adopted: February 12, 2013

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4212.8 / 4312.8

PERSONNEL

EMPLOYMENT OF RELATIVES

In order to preclude situations which could bring about a conflict of interest for members of the administrative staff, an employee shall not be appointed to a position where a member of his/her immediate family maintains supervisory or evaluation responsibilities for the position.

Immediate family members may be employed at the same department or work location with the approval of the Chief Executive Officer or designee.

Legal Reference:

GOVERNMENT CODE

12940 Unlawful employment practices, exceptions

First Reading: February 12, 2013

Adopted: February 12, 2013



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4212.9 / 4312.9

PERSONNEL

EMPLOYEE NOTIFICATIONS

The Agency shall provide employees with the following notification and shall obtain signed acknowledgments that the notifications were received when so required by law or by Agency policy or regulations.

### Acknowledgments Required by Law

1. Legal obligation to report known or suspected instances of child abuse
2. Oath or affirmation of allegiance required of public employees
3. Hepatitis B vaccine declination
4. The Agency's bus driver drug and alcohol testing policy, regulations, and related information
5. The classified employee's class specification, salary data, assignment or work location, duty hours and prescribed workweek

Legal Reference:

### EDUCATION CODE

231.5 Sexual harassment policy  
22455.5 STRS information to potential members  
22515 Irrevocable election to join STRS  
44031 Personnel file contents, inspection  
45113 Notification of changes  
45117 Notice of layoff  
45169 Employee salary data  
45192 Industrial and accident leave  
45195 Additional leave  
49079 Notification to teacher

### GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance  
8355 Certification of drug-free workplace, including notification

### PENAL CODE

11166.5 Employment; statement of knowledge of duty to report

### UNEMPLOYMENT INSURANCE CODE

2613 Notice of rights and benefits

CODE OF REGULATIONS, TITLE 5

80026.1 Information to applicants

CODE OF REGULATIONS, TITLE 8

5193 California blood borne pathogens standard

CODE OF FEDERAL REGULATIONS, TITLE 49

382.601 Controlled substance and alcohol use and testing notifications

First Reading: January 12, 2013

Adopted: January 12, 2013

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4216 / 4316

PERSONNEL

PROBATIONARY/PERMANENT STATUS

Employees newly hired for regular positions in the classified service who are not part of the classified bargaining unit, shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of the Agency.

The Chief Executive Officer or designee may dismiss an employee during the initial probationary in their new position until they have satisfactorily completed one year of service in that position.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in classification from which he/she was promoted.

Legal Reference:

EDUCATION CODE

45113 Rules and regulations for classified service in districts not incorporating the merit system

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4217.2 / 4317.2

PERSONNEL

RESIGNATION

Any Agency employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The Board of Directors (“Board”) encourages employees to provide advance notice that is appropriate for the position they hold.

The Board authorizes the Chief Executive Officer (“CEO”) or designee to accept an employee’s written resignation and to set its effective date. Once the CEO or designee has accepted, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the Board may agree that a resignation will be accepted at a mutually agreed upon date no later than two years beyond the close of the school year during which the resignation is received by the Board.

Legal Reference:

EDUCATION CODE

35161 Board delegation of any powers or duties

45201 Power to accept resignation

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

First Reading: February 12, 2013

Adopted: February 12, 2013

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

4218 / 4318  
(Replaced BP 4007)

### PERSONNEL

#### SUSPENSION, DEMOTION, AND DISMISSAL OF PERMANENT EMPLOYEES – MANAGEMENT, SUPERVISORY, AND/OR CONFIDENTIAL EMPLOYEES

The Board of Directors (“Board”) desires that all employees exhibit professional and appropriate conduct and serve as positive role models to students serviced by the Agency. Unacceptable conduct shall be subject to disciplinary action in accordance with law, collective bargaining agreement, Board policy and administrative regulations.

The Chief Executive Officer (“CEO”) or designee shall develop administrative regulations that identify types of misconduct and possible consequences. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, compulsory leave and dismissal.

The CEO or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved. He/she shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

#### Legal Reference:

#### EDUCATION CODE

44009 Conviction of specified offenses; definitions

44910 Sex offense

44911 Controlled substance offense

44940 Leave of absence; certificated employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension of leave; compensation; bond or security; reports

45101 Definitions

45109 Fixing of duties

45113 Rules and regulations governing personnel management of classified service

45123 Employment after conviction of sex offense or controlled substance offense

45302 Demotion and removal from permanent classified service

45303 Additional causes for suspension or dismissal of employees in classified service

45304 Suspension for reasonable cause; filing of charges; employees charged with mandatory or optional leave of absence offense

#### GOVERNMENT CODE

3543.2 Scope of representation; requests to meet and negotiate

#### HEALTH AND SAFETY CODE

11054 Schedule I controlled substance

11055 Schedule II controlled substance  
11056 Schedule III controlled substance  
11357-11361 Offenses and penalties  
11363  
11364  
11370.1

PENAL CODE

667.5 Violent felonies  
1192.7 Serious felonies

VEHICLE CODE

1808.8 Dismissal of certified driver

UNITED STATES CODE, TITLE 42

12101-12213 Equal Opportunity for individuals with disabilities

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Revised: November 10, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### ADMINISTRATIVE REGULATION

4218 / 4318  
(Replaced BP 4007)

### PERSONNEL

#### SUSPENSION, DEMOTION, AND DISMISSAL OF PERMANENT EMPLOYEES – MANAGEMENT, SUPERVISORY, AND/OR CONFIDENTIAL EMPLOYEES

Permanent employees shall be subject to disciplinary action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board of Director's ("Board") determination of the sufficiency of the cause upon the recommendation of the Chief Executive Officer ("CEO") for disciplinary action shall be conclusive.

#### Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of the Agency, each of the following constitutes cause for disciplinary action against a permanent employee:

- a. Falsifying any information supplied to the Agency, including, but not limited to, information supplied on application forms, employment records, or any other Agency records;
- b. Incompetency;
- c. Inefficiency;
- d. Neglect of duty;
- e. Insubordination;
- f. Dishonesty;
- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associate with him/her;
- h. Possessing or being under the influence of a controlled substance at work or away from work, or furnishing a controlled substance to a minor;
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilt, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose;
- j. Absence without leave;
- k. Disorderly or immoral conduct;

- l. Conduct unbecoming an employee in the public service;
- m. Discourteous treatment of the public, students, or other employees;
- n. Improper political activity;
- o. Willful disobedience;
- p. Misuse of Agency property;
- q. Violation of Agency, Board or department rule, policy, or procedures;
- r. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position;
- s. Refusal to take and subscribe any oath or affirmation which is required by law in connection with his/her employment;
- t. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees;
- u. Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, sexual orientation or age against the public or other employees while acting in the capacity as an Agency employee;
- v. Unlawful retaliation against any other Agency officer or employee or member of the public who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto; and
- w. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the Agency or his/her employment.

Except as defined in item "t" above, no disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the Agency.

#### Notification of Charges and Recommendation of Disciplinary Action

The CEO or designee, under his/her own discretion and/or as a result of a complaint filed against an employee pursuant to either Administrative Regulation 1312.1 or 1312.3, may initiate a disciplinary action as defined herein against a permanent employee. In all cases involving a disciplinary action, the person initiating the action shall file a written notification of charges and recommendation of disciplinary action with the Board. A copy of the notification of charges and



recommendation shall also be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The notification and recommendation shall include:

- a. a statement in ordinary and concise language of the specific acts of omissions upon which the causes for discipline are based. If a violation of rule, policy, or regulation violated shall be stated in the notification;
- b. a statement of the cause or causes for the disciplinary action, as set forth above;
- c. a statement of the nature of the disciplinary action that will be recommended to the Board (suspension without pay, demotion, reduction of pay step in class, or dismissal);
- d. a statement of the employee's right to a hearing on the charges, and the time within which the hearing may be requested which shall not be less than five (5) calendar days after the employee is service with the notification of charges; and
- e. a card or paper, the signing and filing of which shall constitute a demand for hearing and a denial of all charges.

#### Employment Status Pending Hearing

Except as provided herein, any employee against whom a notification of charges has been issued shall remain on active duty status and responsible for fulfilling the duties of the position pending his/her hearing.

If the CEO or designee determines that a permanent employee should be dismissed and that his/her continuing in active duty would present an unreasonable risk of harm to students, Agency personnel or property while proceedings are pending, the CEO or designee may order the employee immediately suspended from duty without pay in conjunction with the issuance of a notification of charges. This suspension order shall be in writing and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance. Except in cases of emergency when the employee must be removed from the premises immediately, the CEO or designee shall give the employee written notice of the proposed recommendation of dismissal at least five (5) calendar days before the effective date of any order of suspension issued in conjunction with a recommendation involving dismissal. This notice shall state that immediate suspension without pay is being considered, the reasons for the proposed dismissal and proposed immediate suspension without pay, materials upon which the proposed action is based, and the employee's right to respond to the CEO or designee orally or in writing before the final recommendation and order are issued.

#### Right to Hearing

Within five (5) calendar days after receiving the recommendation of disciplinary action described above, the employee may request a hearing by signing and filing the card or paper included with the notification of charges. A request for a hearing is filed only by delivering the card or paper to the office of the CEO or designee during normal work hours. A request for a hearing may be delivered in person or mailed to the office of the CEO or designee, but must be received or postmarked no later than the time limit stated herein. In cases where an order of suspension without

pay has been issued in conjunction with a recommendation of dismissal, any appeal of the recommendation of dismissal shall also constitute an appeal of the suspension order, and the necessity of the order shall be an issue in the appeal hearing.

If the employee fails to file a request for a hearing within the time specified in these rules, he/she shall be deemed to have waived his/her right to a hearing, and the Board may order the recommended disciplinary action into effect immediately.

#### Amended/Supplemental Charges

At any time before an employee's hearing is conducted before the Board or a hearing officer, the CEO or designee may, with the consent of the Board or the hearing officer, serve on the employee and file with the Board or hearing officer an amended or supplemental recommendation of disciplinary action.

If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

#### Hearing Procedures

- a. The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board or hearing officer and the availability of counsel and witnesses. The employee shall be notified of the time and place of the hearing. The employee shall be entitled to appear personally, produce evidence, and have counsel. The employee shall be entitled to a public hearing if he/she demands it when the Board is hearing the appeal. The Agency may also be represented by counsel. Neither the Board nor a hearing officer shall be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made or approved by the Board or hearing officer.
- b. All hearings shall be heard by a hearing officer, except in those cases where the Board hears the appeal itself. In any case in which the Board hears the appeal, the Board may use the services of its counsel or a hearing officer in ruling upon procedural questions, objections to evidence, and issues of law. If the appeal is heard by the Board, the Board shall affirm, modify or revoke the recommended disciplinary action.
- c. If the appeal is heard by a hearing officer, he/she shall prepare a proposed decision in a form that may be adopted by the Board as the decision in the case. A copy of the proposed decision shall be received and filed by the Board and furnished to each party within ten (10) calendar days after the proposed decision is filed by the Board. The Board may affirm, modify or revoke the hearing officer's proposed decision.
- d. If the Board rejects the proposed decision in its entirety, each party shall be notified of such action and the board may decide the case upon the record including the transcript, with or without the taking of additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer, he/she shall prepare a proposed decision, as provided to in item "c" above, upon the

additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of this proposed decision shall be furnished to each party within ten (10) calendar days after the proposed decision is filed by the board.

- e. In arriving at a decision or a proposed decision on the propriety of the proposed disciplinary action, the Board or the hearing officer may consider the records of any prior disciplinary action proceedings against the employee in which a disciplinary action was ultimately sustained and any records that were contained in the employee's personnel files and introduced into evidence at the hearing.

#### Hearing Decision

The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The findings may reiterate the language of the pleadings or simply refer to them.

The decision of the Board shall be certified to the CEO or designee who recommended the disciplinary action, and he/she shall enforce and follow the Board's decision. A copy of the decision shall be delivered to the employee or his/her designated representative personally or by registered mail. The decision of the Board shall be final.

#### Reinstatement

If, as a result of his/her hearing, an employee is reinstated, he/she shall receive full salary for the period of time the employee was suspended.

#### Compulsory Dismissal

The Agency shall not employ or retain in employment any person who has been convicted of any sex offense as defined in California Education Code section 44010 or any controlled substance offense as defined in California Education Code 44011. However, the Agency may employ a person convicted of a controlled substance offense if the Board determined from the evidence it requires that the person has been rehabilitated for at least five (5) years. If any such conviction is reversed or the person is acquitted or the charges are dismissed except as otherwise provided below, the employee may be reemployed by the Agency, although reemployment is not a guarantee.

The Agency reserves the right to dismiss an employee for any acts upon which the original criminal charges were based, despite the disposition by the courts. If dismissal is recommended and upheld, an employee will not be reemployed or compensated for the time he/she was suspended unless otherwise required by law. An employee shall be given notice of the possibility of not being reimbursed during mandatory suspension if he/she is ultimately dismissed for the acts upon which the original charges were based.

First Reading: February 12, 2013

Adopted: February 12, 2013

Revised: November 10, 2020

Revised: December 8, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

4219.25

PERSONNEL

POLITICAL ACTIVITIES OF EMPLOYEES

The Board respects the right of Agency employees to engage in political discussions and activities on their own time and at their own expense. On such occasions, employees shall make it clear that they are acting as individuals and not as representatives of the Agency.

Employees shall refrain from prohibited activities identified in law and administrative regulations. Employees who engage in these activities shall be subject to disciplinary action and/or criminal penalties.

Legal Reference:

EDUCATION CODE

7050-7057 Political activities of school officers and employees

38130-38139 Civic Center Act

51520 Prohibited solicitations on school premises

GOVERNMENT CODE

3543.1 Rights of employee organizations

COURT DECISIONS

*Downs v. Los Angeles Unified School District*, (9th Cir. 2000) 228 F.3d 1003

*California Teachers Association v. Governing Board of San Diego Unified School District*, (1996) 45 Cal.App. 4th 1383

*L.A. Teachers Union v. L.A. City Board of Education*, (1969) 71 Cal.2d 551

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 106 (2001)

84 Ops.Cal.Atty.Gen. 52 (2001)

77 Ops. Cal. Atty. Gen. 56 (1994)

PERB RULINGS

California Federation of Teachers, Local 1931 v. San Diego Community College District (2001)

PERB Order #1467 (26 PERC 33014)

Management Resources:

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998, revised 2001

## WEB SITES

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

Office of the Attorney General, Dept. of Justice: <http://caag.state.ca.us/>

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

First Reading: October 13, 2020

Adopted: October 13, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4219.25

PERSONNEL

POLITICAL ACTIVITIES OF EMPLOYEES

Employees shall not:

1. Use Agency funds, services, supplies or equipment to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Governing Board (Education Code 7054).
2. During working hours and on Agency property, solicit or receive any political funds or contributions to promote the passage or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service or other working conditions (Education Code 7056).
3. During working hours and on Agency property, solicit or receive any political funds or contributions to promote the passage or defeat of other types of ballot measures.
4. Use Agency time to urge the passage or defeat of any ballot measure or candidate.
5. Use Agency supplies, equipment, or facilities for the preparation or reproduction of political campaign materials, even if the Agency is reimbursed, including photocopying, to make signs, buttons, bumper stickers, promotional material, or post signs on Agency property advocating for a candidate or ballot position.
6. Post or distribute political campaign materials on Agency property or to employees, students, parents, or other non-employees.
7. Disseminate political campaign materials through the Agency's mail service, e-mail or staff mailboxes.
8. Use students to write, address or distribute political campaign materials.
9. Engage in any political advocacy during assigned working hours or on Agency property.
10. Wear buttons or any attire that express political opinions on ballot measures or candidates or support a candidate or campaign during assigned work hours.
11. Act in an official capacity to support or oppose a political issue unless an employee is authorized to do so and only if the employee provides neutral and fact-based information.

Nothing in Board policy or administrative regulation shall be construed to prevent employees from soliciting or receiving funds or contributions for political purposes during nonworking time, including before and after school, the lunch period or other scheduled work intermittency during the school day. (Education Code 7056)

### Employee Organizations

Employee organizations may use Agency mailboxes and other means to communicate with employees, subject to reasonable regulation. Employee organizations may have access at reasonable times to areas in which employees work; may use institutional bulletin boards, mailboxes, and other means of communication and may use Agency facilities at reasonable times for the purpose of meetings. (Government Code 3543.1)

However, employee organizations shall not use Agency funds, services, supplies or equipment, such as the Agency mail system, to urge the passage or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

Access to Agency communication channels shall be limited in cases where such access would be disruptive to Agency operations.

In the event of a concerted action or work stoppage, political activities by employee organizations and individual employees shall be restricted to peaceful informational picketing and other activities allowed by law.

First Reading: October 13, 2020

Adopted: October 13, 2020

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

4352

PERSONNEL

STAFF DEVELOPMENT

The Board of Trustees recognizes that professional development enhances employee effectiveness and contributes to personal growth. Staff development for administrative and supervisory personnel shall be designed to guide institutional improvement, build leadership skills, and enhance overall management efficiency.

The Chief Executive Officer (“CEO”) or designee shall develop a plan for administrator support and development activities that is based on a systematic assessment of the needs of agency and staff and is aligned to the district’s vision, goals, and other comprehensive plans.

Legal Reference:

EDUCATION CODE

44681-44689.2 Administrator training and evaluation

Management Resources:

WEB SITES

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

WestEd: <http://www.wested.org>

First Reading: August 15, 2017

Second Reading: September 12, 2017

Adopted: September 12, 2017



ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5001

OPERATIONS PROCEDURES

SAFETY

The Agency shall establish a health and safety program to provide safe conditions for students, visitors, and employees of the Agency. Such a program shall comply with the requirements of the Education Code, Labor Code, and the California Occupational Safety and Health Act.

Legal Reference:

Labor Code 6305

General Industry Safety Orders 3203

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5002

OPERATIONS PROCEDURES

EMERGENCY SITUATIONS

The Board of Directors, in order to insure accurate and consistent release of emergency information, delegates responsibility for release of such information to the Chief Executive Officer.

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5003

OPERATIONS PROCEDURES

HOME-SCHOOL TRANSPORTATION

### Eligibility of Pupil for Home-School Transportation

1. Any regular day school pupil enrolled in a participating district of the Antelope Valley Schools Transportation Agency who lives within the boundaries of the district, and who boards a bus at a regularly established bus stop, is eligible for transportation to participating district's policy.
2. Pupils coming to school for the purpose of enrolling or going home after regular withdrawal from school may be transported. No one shall be transported merely for the purpose of visiting the school.
3. Pupils shall be permitted to ride on regular home-school bus runs to and from school of attendance from the established bus stop nearest their residence.

### Individual Requests for Non Home-School Transportation

1. No student is to ride any bus other than the one is assigned except in an extreme emergency. When such an emergency does arise, the signed permission by the parent as well as the signed permission of the adult who is to receive the pupil must be in the hands of the principal in advance of the proposed trip. The principal shall give permission only after verifying compliance with the foregoing procedure, and on a seats available basis. A special transportation permit will be issued if approval is granted.

### Eligibility of School Pupils not Enrolled in Schools Maintained by the District for Home-School Transportation

1. Pupils attending private school or public elementary school within the operating boundaries of the Antelope Valley Schools Transportation Agency may be transported by buses belonging to the Agency under the following conditions.
  - a. There is space available on the bus.
  - b. Established bus routes are maintained.
  - c. There is no additional expense incurred to the Agency. Pupils transported under this policy may be denied transportation when all bus facilities are needed for transporting "in-district" pupils.

Legal Reference:

EDUCATION CODE

39800 Transportation  
39808

First Reading: March 17, 1982  
Second Reading: April 14, 1982  
Adopted: April 14, 1982  
Readopted: October 20, 1982

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5004

OPERATIONS PROCEDURES

KINDERGARTEN STUDENTS SAFETY

The following information has been gathered from the Lancaster Sheriff Department, Rosamond School District and Palmdale School District.

- Upon notification to AVSTA of a lost Kindergarten Student, the Sheriff Department will be called immediately. We will advise the “desk” of a missing child and the DOB of the student. They will immediately respond to the area of the missing child.
- Rosamond School District
  - Kindergarten students must sit in the front of bus (ride with 1<sup>st</sup>-5<sup>th</sup> graders)
  - Release to parents or siblings at stop
  - No one at stop, driver calls school, they determine to release or return to school
  - List of Kindergarten students by stop provided for transportation by school
- Palmdale School District
  - Release to adult unless Release of Responsibility or sibling
  - Sit in front area of bus
  - Roster of students
  - All students assigned a stop
  - Roll taken daily

To ensure that Kindergarten Students exit the bus at their designated stop locations, the following procedures have been implemented:

- A list of Kindergarten students by name and stop locations will be provided to the transportation agency
- School Staff to walk the Kindergarten students to the bus and release only to the driver
- Site Administrator and/or designee notify the transportation agency and driver of a new student or change in drop off location
- All Kindergarten students must sit in the front of the bus (siblings may sit with them)
- If at all possible, Kindergarten students arrive at the buses prior to the release of the upper grades
- Upon notification of a lost Kindergarten student, Sheriff will be contacted immediately (advise Sheriff Department of student age)

- A Supervisor will respond to area of route immediately
- All available drivers will respond to area of route immediately as needed
- Mandatory T-01 every 90 days to discuss procedure, group discussion and/or comments relating to Kindergarten students
- Routes will be evaluated when the driver has to leave the bus to perform red-light crossings if Kindergarten students are on board

Reading: October 9, 2007

Second Reading: November 13, 2007

Adoption: November 13, 2007

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5005

OPERATIONS PROCEDURES

PARENTS' COMPLAINTS

In order to promote fair and constructive communications, the following procedures shall govern the resolution of Parents' complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning Agency personnel should be made directly by the Parent to the person against whom the complaint is lodged. Parents/guardians are encouraged to attempt to verbally resolve concerns with the Staff member personally.
  - a. If the complaint is not resolved at this level, the staff member will direct the Parent to the Agency website and instruct him/her to complete the online "Concern" form within 5 working days of the incident.
  - b. Upon knowledge that the Parent has requested to submit a concern form, the staff member will make a written report of his/her viewpoint and give it to the Supervisor within 5 working days of the incident.
  - c. When the Parent's concern form is received and forwarded to the employees immediate Supervisor, the Supervisor will meet with the employee and investigate the complaint. The Supervisor will submit a written response within 5 working days after receiving the concern form or after having the meeting. A copy of the file will then be forwarded to the Human Resources Department.
2. If the Parent is not satisfied at this point, all the documents will be presented to the Chief Executive Officer (CEO) who will review the facts with the Human Resources Administrator.

The CEO may schedule a meeting with the Parent at an appropriate and reasonable time.

- a. The CEO will respond to the complaint in writing within the next ten (10) working days after receiving the documents or having met with the Parent.
3. If not satisfied, the Parent may express his concerns in front of the Board of Directors. He will be allowed to address the Board during the public comment section of the next regularly scheduled meeting. His comments will be restricted to a maximum of 3 minutes. If there is more than one person to address the Board, the time limit may be adjusted to adjust the number of people in the public forum, who will speak on this item.
  - a. The Board of Directors may address the concerns of the Parent, if needed, at the next scheduled Board meeting. The Board of Directors conclusion is final.

- b. Any disciplinary actions necessary will be in conformance with the Agency's Personnel Policies and Procedures and the Union-Management Agreement.

First Reading: October 9, 2007

Second Reading: November 13, 2007

Adopted: November 13, 2007

Revised First Reading: November 10, 2020

Readopted: November 10, 2020



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

5006

### OPERATIONS PROCEDURES

### VIDEO SURVEILLANCE CAMERAS

The Board of Directors is committed to providing an environment that promotes the safety of students, employees, and visitors. The Board also recognizes the importance of protecting employee property and Agency property, facilities, and equipment from vandalism and theft. For these reasons, the Board believes that installing and operating security cameras will promote security and protect property.

The Board believes that reasonable use of surveillance cameras will help the Agency achieve its goals for security. The Chief Executive Officer or designee shall identify locations for placing surveillance cameras on Agency property, including parking lot(s). Cameras shall not be placed in areas where students, staff, or community members have a reasonable expectation of privacy. Any audio capability on the Agency's surveillance equipment shall be disabled so that sounds are not recorded.

Prior to the operation of the surveillance system, the Chief Executive Officer or designee shall ensure that signs are posted at conspicuous locations at affected buildings and grounds. These signs shall inform students, staff, and visitors that surveillance may occur and shall state whether the Agency's system is actively monitored by Agency personnel. The Chief Executive Officer or designee shall also provide prior written notice to students, parents/guardians and staff about the Agency's surveillance system, including the locations where surveillance may occur, explaining that the recordings may be used in disciplinary proceedings, and that matters captured by the camera may be referred to local law enforcement.

If any image from the Agency's surveillance system creates a student or personnel record, the Chief Executive Officer or designee shall ensure that the images are accessed, retained, and disclosed under law, Board policy, administrative regulation, and any collective bargaining agreement.

First Reading: January 13, 2015

Adopted: January 13, 2015

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

5007

OPERATIONS PROCEDURES

TRANSPORTATION: EMERGENCY AND SAFETY PROCEDURES

The principal and appropriate transportation personnel shall implement a bus evacuation training program.

Students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety as follows: (Education Code 39831.5; 5 CCR 14102)

Each year, all students who receive home-to-school transportation in a school bus shall be provided appropriate instruction in safe riding practices and emergency evacuation drills. At least one bus evacuation drill shall be conducted each school year at each school site. All students shall either participate directly or shall observe an evacuation demonstration by other students.

At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to:

- a. Proper loading and unloading procedures, including escorting by the driver
- b. How to safely cross the street, highway, or private road
- c. In school buses with passenger restraint systems, instruction in the use of such systems as specified in 5 CCR 14105, including, but not limited to, the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
- d. Proper passenger conduct
- e. Bus evacuation procedures
- f. Location of emergency equipment

Classroom teachers representing the grade levels involved in the drill shall provide student supervision.

Following each evacuation drill, instruction in safe riding practices shall be given and shall include a review of Board policy and regulations governing bus conduct.

Legal Reference:

EDUCATION CODE

39830-39842 Transportation, school buses

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, TITLE 5

14100-14105 School buses and student activity buses

First Reading: November 8, 2016

Second Reading: December 13, 2016

Adopted: December 13, 2016

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7001

BUSINESS AND FISCAL

FUNDS MANAGEMENT

The Board is responsible for the control of all funds of the Agency. All funds shall be deposited with the Agency pursuant to Board approved procedures.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7002

BUSINESS AND FISCAL

SYSTEM OF ACCOUNTS

The accounting systems and procedures for the Agency shall be set up so as to conform to the best business practice. The Chief Executive Officer will be expected to confer with the appropriate specialists of the County Superintendent of Schools, State Department of Education, school district auditors and any other knowledgeable persons or groups in achieving that objective.

It is the desire of the Board that support for the purposes of the Agency shall be a prime objective of the accounting systems and procedures.

Legal Reference:

EDUCATION CODE

41010 Accounting system

42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7003

BUSINESS AND FISCAL

CLASSIFICATION OF EXPENDITURES

All operating expenses will be charged to the fiscal year in which they are incurred.

Expenditures will be limited to the amount budgeted under the classification of accounts provided for each fund, and to the total amount of the budget. Adjustment may be made as provided for by law and Board policy.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of the superintendent

41020 Audits

42600 District budget limitation on expenditure

42601 Transfer between funds to permit payment of obligations at close of year

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7004

BUSINESS AND FISCAL

PURCHASES

It is the policy of the Board that the administration observe the letter and the spirit of all laws and regulations relating to purchases by the Agency and to the control of its finances and property.

Within the framework of applicable laws and regulations, purchases and use of materials and manpower shall be accomplished in accordance with good business practices with the primary purpose of serving the program.

The Board holds the Chief Executive Officer directly responsible for carrying out this policy, and toward that end, the Chief Executive Officer shall detail the procedures for executing this policy in written administrative directives.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35020 Duties of employees fixed by governing board

35250 Duty to keep certain records and reports

35220

41010 Accounting system

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7005

BUSINESS AND FISCAL

REVOLVING CASH FUND

The Agency shall establish a revolving cash fund in an amount to be determined by the Board, and which shall be administered by the Chief Executive Officer in accordance with the provisions of the California Education Code.

The intent of this fund is to:

1. Reduce costly and time consuming paper processing required for small purchases
2. Allow for emergency purchases
3. Allow for bargain purchasing on a limited basis
4. Allow for in-service workshop, meeting or work session expenses for refreshments, supplies and materials

Legal Reference:

EDUCATION CODE

42800 Revolving cash fund

42803 Revolving cash fund

42804 Revolving cash fund

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7006

BUSINESS AND FISCAL

PERIODIC FINANCIAL AND CASH COLLECTION REPORTS

The Chief Executive Officer shall be responsible for maintaining the books and records of the Agency in auditable form; shall prepare or cause to be prepared all fiscal reports; keep necessary records to control adequately the financial transactions of the Agency and prepare financial statements.

Financial statements will be prepared under the direction of the Chief Executive Officer and submitted to the Board by the Chief Executive Officer on a monthly basis.

A summary of all cash collections will be presented to the Board of Directors for approval not less than quarterly.

The Chief Executive Officer shall file all fiscal reports with the county, state, or federal agencies, as required. These reports will be reviewed by the Chief Executive Officer and the Board prior to filing with the appropriate agency.

Legal Reference:

EDUCATION CODE

35035 Powers and duties of the superintendent

35160 Authority of governing boards

41010 Accounting system

41020 Audits

42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7007

BUSINESS AND FISCAL

CLAIMS FOR MONEY OR DAMAGES

As a prerequisite to bringing suit against the Antelope Valley Schools Transportation Agency, any claim against the Agency for money or damages as set forth below, or for moneys or damages which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of the Government Code of California:

1. Claims for fees, salaries, wages, mileage or other expenses and allowances

Any claim against the Antelope Valley Schools Transportation Agency for money or damages which are not governed by any other statutes of regulations expressly relating thereto shall be acted upon in accordance with Title I, Division 3.6 of the Government Code of California.

Legal Reference:

EDUCATION CODE

35202 Claims against districts; applicability of Government Code

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

7008

### BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

### EXPENDITURES AND PURCHASES

The Board of Directors recognized its fiduciary responsibility to oversee the prudent expenditure of the AVSTA funds. In order to best serve the Agency's interest, the Chief Executive Officer (CEO) or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the AVSTA received maximum value for items purchased. A record and documentation of expenditures and purchases shall be maintained in accordance with law.

#### Expending Authority

The CEO or designee may purchase supplies, material, apparatus, equipment, and services up to the amount specified in the Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to State and Federal laws, codes, Board policies, administrative regulations or any other Board Directives.

All purchases are to be authorized or ratified by the Board of Directors.

The CEO or designee may authorize an expenditure, which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer.

#### Purchasing Procedures

Goods and services purchases shall meet the needs of AVSTA, individual departments and shall meet the needs of employees in the performance of their official duties. Items ordered at the lowest price shall be consistent with standard purchasing practices. Price, quality, maintenance costs, replacement costs, and trade-in value shall be considered when determining the most economical purchase price. All purchases shall be made by purchase order, formal contract, or Agency credit/debit card, and shall be accompanied by a receipt or proof of purchase.

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

Revised First Reading: December 20, 1982

Readopted: December 11, 2012

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

7008

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

EXPENDITURES AND PURCHASES

The Agency's purchasing staff shall assist employees in the procurement of goods and services in accordance with Public Contract Code, Education Code, Government Code, Labor Code, Civil Code, Health and Safety Code, and any other pertinent legal requirements. This relates directly to purchases and services rendered using Agency funds.

All requests for quotes and all purchasing using Agency funds will be reviewed and verified by Agency staff. Under no circumstances are orders to be handed to salesmen or vendors except by the Agency's designated staff with the exception of credit card purchases.

Vendor representatives are not permitted to make sales call unless prior notification and approval is given by Agency staff.

No direct purchase of materials using Agency funds will be made by Agency personnel other than:

1. designated purchasing staff;
2. those persons authorized by Board action;
3. persons authorized to purchase through an open purchase order, revolving cash fund, or credit card.

The Agency shall not be responsible for purchases made without a purchase order, contract or credit card, nor responsible for payment of any order not requisitioned in the prescribed manner.

Open (Blanket) purchase orders are at the approval of the Agency and may be requested for small purchases that are frequently made from a vendor.

1. An open (blanket) purchase order may be requested through the normal requisitions process.
2. The request shall include the vendor, the nature of the items to be purchased, and a "not to exceed" amount with a designated users name.
3. The open (blanket) purchase order will have a specific time frame with an expiration date. Yearly open (blanket) purchase orders must have the approval of the Board or designated Agency staff.
4. The user of an open (blanket) purchase order shall submit signed receipts or other substantiating documentation verifying the purchase of goods or services to the Agency business office.

Credit card purchases are to be made only by authorized staff designated by the CEO. The credit card does not release the user from following all purchasing procedures, legal codes, or policies and is simply a method of payment.

First Reading: October 9, 1980

Second Reading: November 5, 1980

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Readopted: October 20, 1982

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ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

7009

BUSINESS AND FISCAL

PAYING FOR GOODS AND SERVICES

The Board will authorize payment for goods and services under the following conditions:

1. Contracted for within budgetary limits.
2. Purchases according to relevant purchasing policies and regulations.
3. Certified by the Chief Executive Officer or his designee as having been received in acceptable condition.

Legal Reference:

EDUCATION CODE

35163 Official actions, minutes and journal

39655

40008

40012

45167 Error in salary

First Reading: October 5, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

ADMINISTRATIVE REGULATION

7010

BUSINESS AND FISCAL

REQUESTING GOODS AND SERVICES (REQUISITIONS)

Requisitions for budgeted items shall originate from the key personnel directly responsible for their use. The Chief Executive Officer shall arrange appropriate administrative reviewing channels whereby all requisitions will be examined and approved, or disapproved, for purchasing.

The Chief Executive Officer shall receive and process requisitions in a manner most beneficial to the overall purposes of the Agency.

Legal Reference:

EDUCATION CODE

39656

39657

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7011

BUSINESS AND FISCAL

DONATIONS AND GIFTS

The Board may accept on behalf of and for the Agency any donation or gift or money or property for a purpose deemed by the Board to be suitable, and to utilize such money or property so designated.

The Chief Executive Officer shall set up criteria to be met in acceptance of donations and gifts, and the procedure examining and evaluating offers of donations and gifts to the Agency.

Legal Reference:

EDUCATION CODE

35162 Power to sue, be sued, hold and convey property

35273

35224

41030 School district may invest surplus monies from bequest or gifts

41038

First Reading: October 9, 1980

Second Reading: November 5, 1980

Adopted: November 5, 1980

Readopted: October 20, 1982



## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7013

BUSINESS AND FISCAL

NON HOME-SCHOOL TRANSPORTATION BILLING PROCEDURES

It is the intent of the Board of Directors that non-home to school transportation service shall be self-supporting.

For the purposes of this section, “field trips” shall apply to educational, extracurricular, athletic or any other requested service which is not a part of the routine home to school transportation service.

1. Field trips shall be billed as follows:
  - a. JPA members shall be billed for drive labor and mileage costs.
  - b. Non-JPA members shall be billed for driver labor, mileage, and bus depreciation costs.
2. Costs will be calculated as follows:
  - a. Drive labor shall be based upon the average driver’s hourly cost, to include fringe benefits and overtime costs.
  - b. Mileage costs shall include all costs of vehicle maintenance divided by the number of miles accumulated by the fleet during the preceding fiscal year.
  - c. Bus depreciation costs shall be calculated by dividing the replacement cost of a new transit bus by 15 years. This figure would be divided by the average annual bus miles to produce the cost per mile for depreciation.
  - d. Non-JPA members shall be required to produce an insurance waiver which will cover the \$1000.00 deductible property and liability costs. This waive must be included with the application for transportation service.
  - e. Non-JPA members shall be required to pay for all services in advance. The Agency will collect estimated charges, plus a deposit. The amount of the deposit shall be determined by the Agency. Upon completion of the field trip, the Agency will refund all unused monies.
3. Cancellation Fee  
If a user cancels a field trip and fails to notify the Agency of the cancellation, driver and mileage costs will be billed to the user.

Updating of Field Trip

Annually the Chief Executive Officer shall update the field trip fee schedule and present to the Board of Directors for approval. This information will be presented at the regularly scheduled meeting of the Board of Directors, no later than April of each year. Upon adoption by the board of Directors, the updated fee schedule shall become effective for the upcoming fiscal year.

#### Charter Costs

Unless otherwise instructed, the Agency will make every effort to schedule field trips on Agency buses. If, because of a conflict with the home to school transportation service hours, the Agency is unable to accommodate a field trip request, the Agency will contract the requestor for permission to book the trip with an outside contractor. In this case, contact with the requestor will be made as soon as field trip request is received by the Agency. If neither the Agency nor an outside contractor is able to provide the service, the Agency will immediately contact the requestor for further instructions.

1. JPA members requesting charter service may make all arrangements through the Agency. JPA members making such arrangements without Agency assistance shall give written notice releasing the Agency from any and all liabilities in this regard.
2. All costs of non-agency charter bus service shall be borne by this user.

First Reading: April 27, 1989  
Second Reading: May 25, 1989  
Adopted: May 25, 1989

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7014

BUSINESS AND FISCAL

SPECIAL CLAIMS PROCEDURES

Pursuant to the authority contained in Section 935 of the Government Code of the State, the following claims procedures are established for those claims against the Antelope Valley Schools Transportation Agency for money or damages not now governed by State or local laws:

### Employees Claims

Notwithstanding the exceptions contained in Section 905 of the Government Code of the State, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and any other expenses or allowances claimed due from the Antelope Valley Schools Transportation Agency, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Section 190 through 915.2 of the Government Code of the State. Such claims shall further be subject to the provisions of Section 945.4 of the Government Code of the State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Council.

### Contract and Other Claims

In addition to the requirements in the paragraph above, and notwithstanding the exemptions set forth in Section 905 of the Government Code of the State, all claims against the Antelope Valley Schools Transportation Agency for damages or money, when a procedure for processing such claims is not otherwise provided by State or local laws, shall be presented within the time limitations and in the manner prescribed by Section 910 through 915.2 of the provisions of the Section 945.4 of the Government Code of this State relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the Council.

First Reading: January 27, 1994

Second Reading: February 24, 1994

Adopted: February 24, 1994

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7015

BUSINESS AND FISCAL

CONTRIBUTIONS AND FUNDING POLICY

As required by GASB 45, an actuary has determined the Antelope Valley Schools Transportation Agency's (Agency) Annual Required Contributions (ARC). The ARC is calculated in accordance with certain parameters, and includes (1) the Normal Cost of one year, and (2) a component for amortization of the total unfunded actuarial accrued liability (UAL) over a period not to exceed 30 years. However, GASB 45 does not require pre-funding of OPEB benefits. Therefore, the Agency funding policy is to continue to pay healthcare premiums for retirees as they fall due. The Agency has elected not to establish an irrevocable trust at this time.

The Board reserves the authority to review and amend this funding policy from time to time, in order to ensure the funding policy continues to best suit the circumstances of the Agency.

Legal Reference:

Government Accounting Standards Board (GASB)

First Reading: June 10, 2008

Second Reading: July 8, 2008

Adopted: July 8, 2008

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

7016

### BUSINESS AND FISCAL

#### FUND BALANCE POLICY – GASB 54

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the district to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Agency establishes and maintains reservations of Fund balance in accordance with Government Accounting and Financial Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- **Nonspendable Fund Balance** consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.
- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions or enabling legislation.
- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the district's highest level of decision making authority (governing board). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations places on the funds.
- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the district's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

#### Nonspendable and Restricted Funds

Nonspendable funds are those funds that cannot be spent because they are either:

1. Not in spendable form (e.g. inventories and prepaids)
2. Legally or contractually required to be maintained intact

It is the responsibility of the Chief Executive Officer to report all Nonspendable Funds appropriately in the Agency's Financial Statements.

Restricted funds are those funds that have constraints place on their use either:

1. Externally by creditors, grantors, contributors, or laws or regulations or other governments
2. By law through constitutional provisions or enabling legislation

It is the responsibility of the Chief Executive Officer to report all Restrict Funds appropriately in the Agency's Financial Statements.

#### Fund Balance Spending Order

Unless legal requirements disallow it, the Agency will spend the most restricted dollars before less restricted in the following order:

1. Nonspendable – if the funds become spendable
2. Restricted
3. Committed
4. Assigned
5. Unassigned

#### Authority to Commit Funds

The Agency's governing board has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by a simple majority vote or approval through the budget adoption process. The commitment must take place prior to June 30<sup>th</sup>, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available.

#### Authority to Assign Funds

Upon passage of the Fund Balance Policy, authority is given to the Agency's Chief Executive Officer to assign funds for specific purposes. Any funds set aside as Assigned Fund Balance must be reported to the Agency's governing board at their next regular meeting. The governing board has the authority to remove or change the assignment of the funds with a simple majority vote.

#### Unassigned Fund Balance

Unassigned Fund Balance is the residual amount of Fund Balance in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures up to the minimum established level upon approval of a budget revision by the Agency's governing board. In the vent of projected revenue shortfalls, it is the responsibility of the Chief Executive Officer to

report the projections to the Agency's governing board on a quarterly basis and shall be recorded in the minutes.

Any budget revision that will result in the Unassigned Fund Balance dropping below the minimum level will require the approval of  $\frac{3}{4}$  vote of the Agency's governing board.

The District will maintain a Reserve for Economic Uncertainties of at least 5% of total General Fund operating expenditures and other financing uses. The primary purpose of this reserve is to avoid the need for service level reductions in the event an economic downturn causes revenues to come in lower than budget. This reserve may be increased from time to time in order to address specific anticipated revenue shortfalls (state actions, etc.) by resolution of the Antelope Valley Schools Transportation Agency's Board of Directors.

The fund balance of the Agency's General Fund is intended to contain reserves to provide stability and flexibility in response to unexpected adversity and/or opportunities. The target is to maintain an unrestricted fund balance of not less than 5% of combined general fund expenditures and other financing uses in the assigned fund balance category for economic uncertainty. The rationale for this level of reserves is to provide the following:

- To meet state-required reserve levels in accordance with the standards and criteria adopted by the State Board of Education (Education Code 33128)
- To provide adequate cash to meet financial obligations
- To provide available funds to meet unanticipated or emergency financial obligations
- To provide stability during periods of economic distress

This policy may be amended from time to time by resolution of the Antelope Valley Schools Transportation Agency Board of Directors.

First Reading: June 14, 2011

Adopted: June 14, 2011

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

7017

### BUSINESS AND FISCAL

### TRAVEL EXPENSES

The Board of Trustees recognizes that agency employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the Chief Executive Officer (“CEO”) or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

The Board shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for the agency, whether within or outside agency boundaries. (Education Code 44032)

The CEO or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she also shall establish reimbursement rates in accordance with law and Board policy.

An employee shall obtain approval from the CEO or designee prior to traveling. The CEO or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee’s supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee’s duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the CEO or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the Board.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when agency business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on agency business, and other necessary incidental expenses.

The agency shall not reimburse personal travel expenses including, but not limited to, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on agency-related business, personal use of an automobile, and personal losses or traffic violation fees incurred while on agency business.



Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts.

Authorized employees shall be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the CEO or designee.

The mileage allowance provided by the agency for employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

Meal costs shall be reimbursed based on documented actual expenses within the maximum amounts established by the CEO or designee and based on the time of day that travel for agency begins and ends.

Any expense that exceeds the maximum rate of reimbursement established by the agency shall be reimbursed only with the approval of the CEO or designee.

All expense reimbursement claims shall be submitted on an agency form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet agency criteria for reimbursement.

The CEO or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to agency business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

#### Legal Reference:

##### EDUCATION CODE

- 44634 Itemization of expenses
- 44016 Travel expense to employment interview
- 44032 Travel expense payment
- 44033 Automobile allowance

##### INTERNAL REVENUE SERVICE PUBLICATIONS

Per Diem Rates (For Travel Within the Continental United States), Publication 1542  
Management Resources:

##### WEB SITES

Internal Revenue Service: <http://www.irs.gov>  
U.S. General Services Administration, Per Diem Rates: <https://www.gsa.gov/perdiem>

First Reading: August 15, 2017

Second Reading: September 12, 2017  
Adopted: September 12, 2017

## ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

### BOARD POLICY

7018

### BUSINESS AND FISCAL

### PAYMENT FOR HOSPITALITY AND REIMBURSEMENT FOR TRAVEL

Meals and hospitality expenses for meetings, in-services and workshops outside of the greater Antelope Valley area may be paid out of district funds.

The Board of Trustees will authorize payment for meals and hospitality expenditures under the following conditions:

1. Meetings, in-services and workshops in the Antelope Valley will not be reimbursed for meals or mileage unless pre-approved by the Chief Executive Officer (“CEO”) or designee.
2. The expenditures were direct results of meetings, in-services or workshops for the benefit of the agency.
3. Money has been budgeted to cover the expenditures. Advances may be allowed for registration, hotel, airfare, and car rental if board approval is done within a timely manner.
4. All reimbursements, except for meals, require original itemized receipts, i.e. parking, airfare, registration, etc.
5. The expenditures for meals shall be limited to \$66.00 per diem for a full day. Partial day meetings, in-services, and workshops will be limited to reimbursement for lunch only, at a maximum of \$20.00 per person. Meals provided by the conference/workshop will be deducted from the per diem cost of \$66.00 (breakdown shown below):

Breakfast \$12.00 Starting second day of multi-day workshop  
Lunch \$20.00 Workshop ends at 3:30 pm  
Dinner \$34.00 Workshop ends at 4:00 pm

6. Brochures and/or itineraries of the conference must accompany the conference request.
7. Reimbursement and gratuities for alcoholic beverages is not permitted. Antelope Valley Schools Transportation employees shall not consume alcoholic beverages during work hours.
8. Reasonable hotel expenses may be claimed for authorized conference when the situation merits accommodation and lodging is approved in advance. Prior day (travel day over 125 miles) may include an evening meal (\$34.00) and the day following travel day may include a morning meal (\$12.00). Hotels for conferences/workshops may be approved for locations of 100 miles or more.
9. Mileage reimbursement paid by the district is tied to the federal IRS rate. Reimbursement

for auto travel shall be limited to round trip by the shortest highway route.

10. Shuttle buses shall be used to and from the airport. Automobile rental will be authorized only when no shuttle or similar transportation alternative is available or it is the most economical alternative when a number of AVSTA representatives are traveling together. Taxi or other secondary modes of travel may be claimed for reimbursement if necessary. Private transportation such as Uber and limos are not reimbursable.
11. Travel claims are to be filed within thirty (30) calendar days of the completion of authorized travel. Failure to do so could result in a prohibition of authorized travel until such claims are filed and money owed back to the office from a cash travel advance is repaid (Education Code 1081 and 1942).

Legal Reference:

EDUCATION CODE

35163 Official actions, minutes and journals

40008 Revolving funds

40012 Audit and payment charges

First Reading: August 15, 2017

Second Reading: September 12, 2017

Adopted: September 12, 2017

ANTELOPE VALLEY SCHOOLS TRANSPORTATION AGENCY

BOARD POLICY

7019  
(Previously BP 2009)

BUSINESS AND FISCAL

ASSESSMENT PROCEDURE

Authority

Section 10 “Finances, “Sub Section (b) “Payments, Charges, and Assessments.” Paragraph 2 of the Joint Powers Agreement requires the Board of Directors to establish each member district’s annual regular transportation cost.

Definitions

Dead Head Miles: The mileage incurred when a bus is in route with no students aboard, excluding vehicle maintenance miles and field trip miles.

Live Miles: The mileage incurred when a bus is transporting students.

Chargeable Miles: Total of live and dead head miles, as defined above.

Vehicle Maintenance Miles: Miles incurred when road testing, when transporting a bus to replace a breakdown, or when transporting a bus to a contracted repair facility.

Anomaly Maximum Threshold<sup>1</sup>: 20%

Prior 3-Year Average (P3YA): Average miles/minutes for 3 years, not inclusive of Current Year

Anomaly Event Percentage From Baseline (AEPFB): The percentage absolute value over the Anomaly Maximum Threshold in the current year, from the P3YA.

Procedure

1. The Board of Directors shall review the assessment procedure not less than annually.
2. Route miles and driver labor in minutes shall be collected, detailed by district and program

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<sup>1</sup> An anomaly maximum threshold is defined as a 20% or greater variation (absolute value) in the current year, from the 3 prior year average in miles/minutes. In the event of an anomaly the fixed cost percentages for overhead allocation purposes will be determined as follows:

- The baseline overhead will be calculated by using the miles/minutes of the maximum threshold value for percentage change for each District that has exceeded that value.
- The current single-year allocation will be calculated using actual miles/minutes.
- Any district that is above/below the maximum threshold will be charged/reimbursed for that single current year, for the amount above/below the difference between the current single-year allocation and the baseline overhead.

Any changes below the anomaly maximum threshold will be fully reflected in the current year 3-year average allocation, without adjustment of any kind.

within district. Dead head miles will be distinguished from live miles and will be categorized by district and program.

3. Route mile and driver labor data shall be compiled daily and monthly summary reports shall be distributed to the Board of Directors.

### Formula

1. The formula is based on total driver labor and chargeable mile costs by district.
2. The formula is based on the total Agency budget divided into three categories:
  - 1) Driver labor costs
  - 2) Vehicle maintenance costs
  - 3) Fixed overhead costs (e.g. loan payments, office personnel, office equipment and supplies, and utilities)

COLUMN A: "Labor in Minutes" – total number of minutes driver's are paid by district.

COLUMN B: "Labor % of Total" – Column "A" divided by the total number of driver minutes paid.

COLUMN C: "Total Labor Cost" – Total budgeted driver Labor and benefit costs multiplied by Column "B".

COLUMN D: "Total Miles per Day" – Total chargeable miles driven each day by district.

COLUMN E: "Percent of CPM per District" – Column "D" divided by the total number of chargeable miles driven by all districts to give percentage of costs per mile per district.

COLUMN F: "Total CPM Cost" – Total Vehicle Maintenance dollars budgeted (shop labor, fuel, tires, etc) multiplied by Column "E".

COLUMN G: "Percentage of CPM and Labor" – Three-year running average of Labor and CPM – Average of Columns "B" and "E".

COLUMN H: "Total Overhead Cost" – Total dollars budgeted for overhead (office salaries and benefits, loans, supplies, etc) multiplied by the Three-year running average (Column G) of percentage of district's combined miles and minutes usages.

COLUMN I: “Total Labor, CPM, Overhead” (Column C + F + H) >> total District Encroachment Cost.

COLUMN J: “District Total Standard Assessment” – Contribution (the dollars required from each District’s general fund budget).

COLUMN K: “Anomaly Event Percentage From Baseline”

COLUMN L: AEPFB Miles/Minutes – Actual miles/minutes over/under Baseline

COLUMN M: AEPFB Dollar Amount – Dollar value of miles/minutes over/under Baseline. Amount above/below the maximum threshold to be charged/reimbursed for single current year.

COLUMN N: Final Standard Assessment Contribution Total, adjusted for Anomaly Event

Revised First Reading: January 14, 2020

Revised Second Reading: February 11, 2020

Readopted: February 11, 2020

Revised: August 18, 2020