

Policy 4319.1: Civil And Legal Rights

Status: DRAFT

Original Adopted Date: 04/12/2017 | **Last Reviewed Date:** 09/09/2026

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the performance of the employee's duties.

District employees may engage in private, personal activities, including the exercise of their religious, political, cultural, social or other beliefs or activities, during personal time such as when employees are not on duty or engaged in the supervision or instruction of students.

The district shall make no inquiry concerning the personal values, attitudes, and beliefs of district employees or their sexual orientation or political or religious affiliations, beliefs, or opinions except when authorized by law. Additionally, no district employee shall be required to provide critical appraisals of other individuals with whom the employee has a familial relationship. However, the district reserves the right to access any publicly available information about any employee.

No employee shall be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against solely for acting to protect a student engaged in conduct authorized under Education Code 48907 or 48950.

As permitted by law, the district may conduct a search of district property under an employee's control and may direct the employee to search the employee's personal accounts, devices, and records for district-related documents or information.

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, the County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation of or noncompliance with a state or federal rule or regulation, the employee has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

For purposes of whistleblower protection, a Board member is not considered to be an employee.

The Superintendent or designee shall prominently display in lettering of at least 15 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

No employee shall use or attempt to use official authority status or influence to intimidate, threaten, coerce, or command, or attempt to intimidate, threaten, coerce, or command, another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

An employee who has disclosed improper governmental activity and believes that acts or attempted acts of reprisal have subsequently occurred shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, the employee may also file a copy of the complaint with local law enforcement and/or seek civil law remedies against the supervisor or administrator who retaliated or attempted to retaliate against the employee, in accordance with Education Code 44114.

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

The protection against liability shall not apply when: (20 USC 7946)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance
3. The employee was not properly licensed, if required, by state law for such activities
4. The employee was found by a court to have violated a federal or state civil rights law
5. The employee 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 employee has been convicted in a court
7. The misconduct involved a sexual offense for which the employee has been convicted in a court
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 200-280	Prohibition of discrimination
Ed. Code 44040	Discrimination based on employee's appearance before certain boards or committees
Ed. Code 44110-44114	Reporting by school employees of improper governmental activity
Ed. Code 48907	Exercise of free expression; time, place, and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 49091.24	Teacher rights to refuse evaluation/survey of personal life
Ed. Code 7050-7058	Political activities of school officers and employees
Gov. Code 12650-12656	False claims actions
Gov. Code 12940-12953	Discrimination prohibited; unlawful practices
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.5	Interference with employee's rights prohibited
Gov. Code 815.3	Intentional torts
Gov. Code 820-823	Tort claims act
Gov. Code 825.6	Indemnification of public entity
Lab. Code 1102.5-1106	Whistleblower protections
Lab. Code 98.11	Model list of whistleblower protections

Federal

18 USC 16
20 USC 1681-1688
20 USC 7941-7948
42 USC 12101-12213
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17
U.S. Constitution, First Amendment

Description

[Crime of violence; definition](#)
[Title IX of the Education Amendments of 1972; discrimination based on sex](#)
Teacher liability protection
[Americans with Disabilities Act](#)
[Title VI, Civil Rights Act of 1964](#)
Title VII, Civil Rights Act of 1964, as amended
[Free exercise, free speech, and establishment clauses](#)

Management Resources

Court Decision
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Court Decision
Court Decision
Court Decision
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Court Decision
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[Brown v. City of Inglewood \(2025\) 18 Cal.5th 33](#)
[Dodge v. Evergreen School District \(2022\) 56 F.4th 767](#)
[Ohton v. CSU San Diego \(2007\) 148 Cal.App.4th 749](#)
[Kennedy v. Bremerton \(2022\) 142 S.Ct. 2407](#)
[New Jersey v. T.L.O. \(1985\) 469 U.S. 325](#)
[Garcetti v. Ceballos \(2006\) 547 U.S. 410](#)
[Hartnett v. Crosier \(2012\) 205 Cal.App.4th 685](#)
[Johnson v. Poway Unified School District \(2011\) 658 F.3d 954](#)
[O'Conner v. Ortega \(1987\) 480 U.S. 709](#)
[Labor Commissioner's Office](#)
[CSBA District and County Office of Education Legal Services](#)
[California Office of the Attorney General](#)

Cross References

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[Claims And Actions Against The District](#)
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[Management Of District Assets/Accounts](#)
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[Campus Security - Use Of Unmanned Aircraft Systems \(Uas\)/Drones On District Grounds](#)
[Nondiscrimination In Employment](#)
[Nondiscrimination In Employment](#)
[Employee Use Of Technology](#)
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