

SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT

800 Broadway Street, King City, CA 93930 • P. 831-385-0606 • F. 831-385-0695



VIA PERSONAL DELIVERY

December 13, 2019

Bernard Barge
[REDACTED]

Re: 45-Day Notice of Unprofessional Conduct

Dear Mr. Barge:

Pursuant to Education Code section 44938, you are hereby notified that you have demonstrated unprofessional conduct related to your employment with the South Monterey County Joint Unified School District ("District"). This Notice specifies the nature of your unprofessional conduct by describing the specific instances of such behavior in an effort to provide you with the opportunity to correct these deficiencies.

This document is also to inform you that, while this Notice is being issued pursuant to Education Code section 44938, your conduct may also constitute immoral conduct; evident unfitness for service; persistent violation of, or refusal to obey the laws of the state applicable to the government of public schools and local school rules; and/or other violations of Education Code section 44932.

Although this document does not constitute charges for dismissal, the issues described in this Notice may form the basis for dismissal charges in the future.

Your unprofessional conduct is based more specifically on the following:

1. During the 2018-2019 school year, you failed to establish appropriate student-teacher boundaries with a female student. During the school year, you exchanged over 2,000 messages with this student while she was in school, and drove this student in your personal vehicle. The frequency and tenor of the messages were not teacher-student appropriate. You exchanged extensive text and email messages about wanting to hug the student with terms of endearment such as "sweetheart," "Bargie-boo," and "buttercup," and engaged in arguments about "who would give more hugs." (Ex. A [redacted emails from January-March 2019 between B. Barge and [REDACTED]].)
2. You subsequently provided misleading information to the investigator. You denied giving the student your cell phone number, but the student had admitted that you gave the student

Greenfield High School
225 S. El Camino Real
Greenfield, CA 93927
P. 831-674-2751

King City High School
720 Broadway Street
King City, CA 93930
P. 831-385-5461

Portola-Butler Continuation High School
760 Broadway Street
King City, CA 93930
P. 831-385-4661

your cell phone number after she requested it, which is consistent with the email record, which shows that she requested it at the same time that the text messages started. You also denied that your messaging with the student was extensive while the student was in school. However, this again was inconsistent with the text message record, which showed that you exchanged over 2,000 text messages with her when she was still a student. You also said that you did not remember emailing with the student, but the email record shows that you exchanged a number of emails with the student in January and February 2019. You said that you only began communicating with the student frequently during the last month or so of school, but this is also inconsistent with the email record, which shows that you started frequent communication with the student in early 2019. (Ex. A.)

3. It was found by an investigator that you exercised poor professional judgment with respect to your email and text communications with the student during the 2018-2019 school year, as the frequency and tenor of the communications was inconsistent with an appropriate student-teacher relationship.
4. As an educator, you are expected to maintain appropriate boundaries with District students and to refrain from making dishonest statements. Your conduct constitutes unprofessional conduct.
5. During the 2018-2019 school year, [REDACTED] attended Greenfield High School ("GHS"). On September 19, 2018, Principal Frank Lynch sent out an all-staff communication warning teachers that [REDACTED] "emailed several teachers on campus" and that administration was "working to get her to stop soliciting attention from teachers via email and other social media." Principal Lynch directed all staff, including you, "If you received an email from the above listed student – [REDACTED] – please forward the email to me." (Ex. B [9/19/18 Email from F. Lynch].)
6. In the second semester of the 2018-2019 school year, [REDACTED] was a student in your first-period Physics class.
7. In January and February 2019, you exchanged frequent emails with [REDACTED]. On January 29, 2019 alone, you and [REDACTED] exchanged 33 emails. (Ex. A.) Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
8. Your emails with [REDACTED] with inappropriate in frequency and tenor. On January 18, 2019, after telling [REDACTED] that you were allergic to bees, you wrote to her, "Good thing you're not a bee, I'd be in trouble." On January 29, 2019, you wrote an email asking her to save you one of her school pictures. On the same day, you wrote again, "LOL you are a bit of a pest. I like pests though." On February 1, 2019, you wrote, "You'll have to wait till I get back for your congratulations hug." Then, when the student asked "what if I don't want a congratulations hug from you?," you responded, "LOL too bad kiddo it's part of the job. Big accomplishments deserve big rewards." Then, on that same day, when asked "do you have cooties?," you

responded, "You'll have to ask my wife if I have cooties. hmmmm maybe you shouldn't."
(Ex.A.)

9. In the Spring of 2019, you gave [REDACTED] your cell phone number while [REDACTED] was still a student at GHS. Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
10. In the Spring of 2019, you also exchanged over 2,000 text messages with [REDACTED] while [REDACTED] was still a student at GHS and assigned to your first-period class. interactions with students and to exercise caution. Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
11. In total, you exchanged over 14,000 text messages with [REDACTED], including the excess of 2,000 text messages while [REDACTED] was still a student. Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
12. Besides being inappropriate in frequency, these text messages were inappropriate in tone, discussing hugging and physical contact with [REDACTED] and using pet names. Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
13. During the 2018-2019 school year, you also drove [REDACTED] in your personal car while [REDACTED] was a student in your class. Your failure to maintain appropriate boundaries with students and your failure to follow Mr. Lynch's instructions constitutes unprofessional conduct.
14. You failed to adhere to the District's policies. District Board Policy 4118 (Dismissal/Suspension/Disciplinary Action) provides that "[t]he Board of Trustees expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community." (Ex. C [District Board Policy 4118].) Further, District Board Policy 5137 (Positive School Climate) provides that the "school environment should be characterized by positive interpersonal relationships among students and between students and staff." This policy further provides that "[a]ll staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members." (Ex. D [Board Policy 5137].) Your conduct violated these District policies.

As outlined above, you failed to maintain appropriate and professional boundaries with students. Your conduct demonstrates a lack of sound judgment. As an educator, you are expected to be a leader and role model for students. You have a professional duty to maintain appropriate boundaries with students at all times. Your behavior has been both inappropriate and contrary to the professional standards you are held to as a teacher.

Please be advised that the District Board Policy 4119.24 ("Maintaining Appropriate Adult-Student Interactions"), adopted September 25, 2019, provides that the District expects employees to use good judgment when interacting with students. (Ex. E [District Board Policy 4119.24].) This Policy includes the following:

- You are expected to maintain the highest professional and ethical standards in your interactions with students both within and outside the education setting.
- You shall not engage in unlawful or inappropriate interactions with students.
- You shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship.
- You shall avoid behaviors that lead to the appearance of impropriety.
- You are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.
- You shall remain vigilant of your position of authority and not abuse it when relating with students.
- You shall use district equipment or technological resources to communicate electronically with students.
- You shall not communicate with students through any medium that is designed to eliminate records of the communications.
- Examples of conduct that undermines professional adult-student interactions Touching or having physical contact with students that is not age-appropriate or within the scope of the employee's responsibilities and/or duties include, but are not limited to:
 - Inappropriate physical contact
 - Being alone with a student outside of the view of others
 - Visiting a student's home or inviting a student to visit your home without parent/guardian consent
 - Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or principal
 - Creating or participating in social networking sites for communication with students without the prior written approval of the principal
 - Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students

- Addressing a student in an overly familiar manner, such as by using a term of endearment
- Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
- Sending or accompanying students on personal errands unrelated to any legitimate education purpose
- Transporting a student in a personal vehicle without prior authorization
- Disclosing personal, family, or other private matters to students or sharing personal secrets with students.

(Ex. E.)

Directions for Improvement

The conduct identified above constitutes unprofessional conduct. Within the next 45 days, you are directed to eliminate the above-specified unprofessional conduct. To eliminate your unprofessional conduct, you will do all of the following:

1. Maintain appropriate and professional boundaries with students at all times.
2. Exercise good judgment when interacting with students.
3. Be honest at all times with administrators, staff members, and outside investigators retained by the District.
4. Refrain from providing students with your personal cell phone number.
5. Refrain from exchanging text messages with students.
6. Refrain from exchanging email messages with students without including the student's parent/guardian or principal.
7. Refrain from talking about hugging students.
8. Do not touch or have physical contact with a student except in the case of an emergency and/or necessary for student safety.
9. Refrain from behavior that displays favoritism of a student or students over other students.
10. Refrain from meeting with students alone.
11. Refrain from transporting students in your personal vehicle without written administrator and parent authorization forms on file.


12. If a student emails you without copying the student's parent/guardian or principal, instruct the student to stop and immediately inform the principal.
13. If a student asks for your cell phone number, refuse to provide your number and immediately inform the principal.
14. If a student sends you a text message, instruct the student to stop and immediately inform the principal.
15. If a student tries to engage you in any inappropriate behavior or communication, instruct the student to stop and immediately inform the principal.
16. Follow all District policies and regulations, including but not limited to the District's Board Policy 4119.24.
17. Follow all directives issued to you by any District administrator.

You must immediately implement the directives for improvement in this Notice. Your failure to do so immediately could result in the termination of your employment. Please contact me if you have any questions regarding the District's concerns with your conduct or the directives contained in this Notice. A copy of your most recent evaluation is attached as Exhibit F and incorporated herein.

Please be advised that the District reserves its right to proceed with a dismissal proceeding prior to the expiration of the remediation period specified in Education Code section 44938 in the event and to the extent that past or future instances of misconduct may constitute cause for disciplinary action on grounds other than unprofessional conduct.

A copy of this letter and its enclosures will be placed in your personnel file. You have the right to make a written response. Any written response you prepare will be attached to this document and also placed in your personnel file.

Sincerely,



Brian Walker, Ed.D.
Superintendent

Enclosures: Exhibits A-F

Exhibit A

7/26/2019

Mail - bbarge@smcjuhsd.org

ent: Friday, January 18, 2019

11:06:50 AM

To: Bernie Barge

Subject: Re: computer

Are you allergic to anything?

On Thu, Jan 17, 2019, 9:22 AM [REDACTED]

wrote:

Great, thanks!

On Thu, Jan 17, 2019 at 9:14 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
should be ok.

From: [REDACTED]

Sent: Thursday, January 17, 2019

9:12 AM

To: Bernie Barge

Subject: computer

hey barge its [REDACTED] i sit next to [REDACTED] in your first period class. I was wondering if it would be okay for me to use a laptop at lunch?

7/26/2019

Mail - bbarge@smcjuhsd.org

are you s they arent that great.

On Tue, Jan 29, 2019 at 11:04 AM Bernie Barge
<bbarge@smcjuhsd.org> wrote:
Of course!

From: [REDACTED]
Sent: Tuesday, January 29, 2019 10:51:15 AM
To: Bernie Barge
Subject: Re: computer

hey want to see my senior pictures?

On Fri, Jan 18, 2019 at 1:19 PM [REDACTED]
[REDACTED] wrote:
you have a great weekend!!!

On Fri, Jan 18, 2019 at 1:07 PM Bernie Barge
<bbarge@smcjuhsd.org> wrote:
Ok, sounds great!

From: [REDACTED]
Sent: Friday, January 18, 2019 12:49:59 PM
To: Bernie Barge
Subject: Re: computer

ok...well ill bring you something on tuesday!!! ok?

On Fri, Jan 18, 2019 at 12:26 PM Bernie Barge
<bbarge@smcjuhsd.org> wrote:
Good thing you're not a bee, I'd be in
trouble. Sure chocolate is always
good. ☺

From: [REDACTED]
Sent: Friday, January 18, 2019 12:19:45 PM
To: Bernie Barge
Subject: Re: computer

last time i checked im not a bee...lol...do you
like chocalate,peanuts,and marshmallows?

On Fri, Jan 18, 2019 at 11:14 AM Bernie Barge
<bbarge@smcjuhsd.org> wrote:
Just kids. haha. Not that I know of
unless you are a bee.

From: [REDACTED]
[REDACTED]

To: Bernie Barge
Subject: Re: computer

hmmmm.....idk....its a tough choice to make.guess what?

On Tue, Jan 29, 2019 at 12:35 PM Bernie Barge

<bbarge@smcjuhsd.org> wrote:

Lots of good ones. I like the one of you sitting on the wood chips and laying on the deck with your boots up in the air.

From: [REDACTED]
Sent: Tuesday, January 29, 2019 12:27:35 PM
To: Bernie Barge
Subject: Re: computer

which one should i pick?

On Tue, Jan 29, 2019 at 11:41 AM Bernie Barge

<bbarge@smcjuhsd.org> wrote:

Haha, I don't know anyone who likes their own pictures. Yep, say them all. they are great.

From: [REDACTED]
Sent: Tuesday, January 29, 2019 11:37:04 AM
To: Bernie Barge
Subject: Re: computer

were you able to see them all?

On Tue, Jan 29, 2019 at 11:36 AM [REDACTED] wrote:

everybody has said the same thing they would look nice if i was a prettier person

On Tue, Jan 29, 2019 at 11:30 AM Bernie Barge

<bbarge@smcjuhsd.org> wrote:

What do you mean they aren't that good?

They are awesome! Save me one. ☺

From: [REDACTED]
Sent: Tuesday, January 29, 2019 11:25:46 AM
To: Bernie Barge
Subject: Re: computer

<https://lorigrimes.smugmug.com>
the password is [REDACTED]

On Tue, Jan 29, 2019 at 11:05 AM [REDACTED] wrote:

7/26/2019

Mail - bbarge@smcjuhsd.org

To: Bernie Barge
Subject: Re: computer

got to take the [REDACTED] and do a [REDACTED]

On Tue, Jan 29, 2019 at 1:55 PM [REDACTED]
wrote:

navy stuff

On Tue, Jan 29, 2019 at 1:22 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
hahaha 😊

From: [REDACTED]
Sent: Tuesday, January 29, 2019 1:10:53 PM
To: Bernie Barge
Subject: Re: computer

cant tell you cause then i would have to kill you

On Tue, Jan 29, 2019 at 1:09 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
why?

From: [REDACTED]
Sent: Tuesday, January 29, 2019 1:05:18 PM
To: Bernie Barge
Subject: Re: computer

i might not be here the next couple of days.

On Tue, Jan 29, 2019 at 1:01 PM [REDACTED]
wrote:
Guess what?

On Tue, Jan 29, 2019 at 1:01 PM Bernie Barge <bbarge@smcjuhsd.org>
wrote:
That one is excellent!

From: [REDACTED]
Sent: Tuesday, January 29, 2019 12:58:13 PM
To: Bernie Barge
Subject: Re: computer

i love this one what do you think?

On Tue, Jan 29, 2019 at 12:57 PM [REDACTED]
wrote:
(19 of 116)-XL.jpg

On Tue, Jan 29, 2019 at 12:52 PM Bernie Barge
<bbarge@smcjuhsd.org> wrote:
which one do you like?

From: [REDACTED]
Sent: Tuesday, January 29, 2019 12:40:34 PM

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:51:52 PM
To: Bernie Barge
Subject: Re: computer

wow so you only talk to me because you get paid????

On Tue, Jan 29, 2019 at 2:51 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:

Ok I guess. I get paid to ask questions. 😊 Got to take care of our kids.

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:47:52 PM
To: Bernie Barge
Subject: Re: computer

you ask to many questions...lol... A [REDACTED] is taking me to [REDACTED] to take the [REDACTED] and do a [REDACTED] make sense now?

On Tue, Jan 29, 2019 at 2:45 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:

wait, isn't the [REDACTED] here on campus? why would you need to miss any days?

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:33:50 PM
To: Bernie Barge
Subject: Re: computer

ummm....that makes no sense whatsoever....seriously can i go for two days?

On Tue, Jan 29, 2019 at 2:27 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
LOL you are a bit of a pest. 😊 😊 I like pests though.

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:18:16 PM
To: Bernie Barge
Subject: Re: computer

why you really gonna want me around? all i do is bug everyone anyways

On Tue, Jan 29, 2019 at 2:12 PM [REDACTED] wrote:
nope.

On Tue, Jan 29, 2019 at 2:09 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
[REDACTED] on a school day? isn't that usually on a weekend?

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:02:21 PM

ive gotten lots of hugs and congratulations.

On Fri, Feb 1, 2019 at 9:44 AM [REDACTED] wrote:
lol...no...i got [REDACTED]

On Fri, Feb 1, 2019 at 9:33 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Ummm, you won a million dollars?

From: [REDACTED]
Sent: Friday, February 1, 2019 9:30:54 AM
To: Bernie Barge
Subject: Re: computer

how fun...guess what?

On Fri, Feb 1, 2019 at 9:30 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
I'm in Anaheim at a PLTW conference, then I'm going to Disneyland. ☺

From: [REDACTED]
Sent: Friday, February 1, 2019 9:25:47 AM
To: Bernie Barge
Subject: Re: computer

whats out of town if you dont mind me asking?

On Fri, Feb 1, 2019 at 9:23 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
nope
Out of town

From: [REDACTED]
Sent: Friday, February 1, 2019 9:15:54 AM
To: Bernie Barge
Subject: Re: computer

hey barge.are you here today?

On Tue, Jan 29, 2019 at 2:59 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Are you coming by after school?

From: [REDACTED]
Sent: Tuesday, January 29, 2019 2:55:31 PM
To: Bernie Barge
Subject: Re: computer

Do you want your computer back?

On Tue, Jan 29, 2019 at 2:56 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
LOL No, I get paid to ask questions. ☺ I take take of my kids because it's
what I do. Part of taking care of them means talking to them.

7/26/2019

Mail - bbarge@smcjuhsd.org

As long as you dont f... cooties.do you have cooties?lol I believe i get s...ped ut to [REDACTED]

On Fri, Feb 1, 2019 at 10:45 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
LOL only if you want one. When do you go to boot camp?

From: [REDACTED]
Sent: Friday, February 1, 2019 10:39:09 AM
To: Bernie Barge
Subject: Re: computer

is that why you keep replying to my emails?your so desperate to not be bored your still talking to me?lol
should i be expecting a hug on monday?

On Fri, Feb 1, 2019 at 10:38 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Especially when I'm sitting at a boring conference.

From: Bernie Barge
Sent: Friday, February 1, 2019 10:32:22 AM
To: [REDACTED]
Subject: Re: computer

LOL I'm rarely serious. ☺

From: [REDACTED]
Sent: Friday, February 1, 2019 10:16:02 AM
To: Bernie Barge
Subject: Re: computer

were you being serious?

On Fri, Feb 1, 2019 at 9:58 AM [REDACTED] wrote:
really hugs are in your job description???

On Fri, Feb 1, 2019 at 9:59 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
LOL too bad kiddo it's part of the job. ☺ Big accomplishments deserve big rewards.

From: [REDACTED]
Sent: Friday, February 1, 2019 9:56:16 AM
To: Bernie Barge
Subject: Re: computer

thanks....what if i dont want a congratulations hug from you?lol...boys have cooties☺

On Fri, Feb 1, 2019 at 9:50 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Awesome! You're a Wave! Congratulations!!!!!! You'll have to wait till I get back for
your congratulations hug. I'm happy for you!

From: [REDACTED]
Sent: Friday, February 1, 2019 9:45:30 AM
To: Bernie Barge
Subject: Re: computer

7/26/2019

Mail - bbarge@smcjuhsd.org

To: Bernie Barge
Subject: Re: computer

you should know better than anyone else that i have my ways .lol

On Fri, Feb 1, 2019 at 11:17 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
haha! How'd you get it past the sub?

From: [REDACTED]
Sent: Friday, February 1, 2019 11:14:30 AM
To: Bernie Barge
Subject: Re: computer

you know me so well its scary.lol
ill make sure to return it?
so will you keep me company?

On Fri, Feb 1, 2019 at 11:15 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
oh, yes you would!

From: [REDACTED]
Sent: Friday, February 1, 2019 11:12:48 AM
To: Bernie Barge
Subject: Re: computer

no...i would never do that...lol

On Fri, Feb 1, 2019 at 11:10 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Did you steal one of my computers again?

From: [REDACTED]
Sent: Friday, February 1, 2019 11:07:46 AM
To: Bernie Barge
Subject: Re: computer

yeah but your already talking to me.lol.i could use the company

On Fri, Feb 1, 2019 at 11:08 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:

Don't know. I probably should pay attention to what they are trying to tell me...

From: [REDACTED]
Sent: Friday, February 1, 2019 11:05:08 AM
To: Bernie Barge
Subject: Re: computer

Well as long as you dont bite or growl a hug should be.lol anything else you want to talk about?

On Fri, Feb 1, 2019 at 10:51 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:

You'll have to ask my wife if I have cooties. hmmm maybe you shouldn't. (23) August 19th is nice, that'll give you some free time

From: [REDACTED]
Sent: Friday, February 1, 2019 10:47:49 AM
To: Bernie Barge
Subject: Re: computer

7/26/2019

Mail - bbarge@smcjuhsd.org

Re: computer

Bernie Barge

Fri 2/1/2019 11:47 AM

To: [REDACTED]

That should be nice up there in the end of August. Which one of the jobs do you want?

From: [REDACTED]

Sent: Friday, February 1, 2019 11:44:08 AM

To: Bernie Barge

Subject: Re: computer

i got two job options they were [REDACTED] and [REDACTED] apprentice. Just found out i will be attending [REDACTED]

On Fri, Feb 1, 2019 at 11:42 AM [REDACTED] wrote:

do you have a number i can text you at cause im tired of using my email?

On Fri, Feb 1, 2019 at 11:38 AM [REDACTED] wrote:

why me? im no one special...

On Fri, Feb 1, 2019 at 11:36 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:

LOL Just don't want the poor sub to think he's going to get fired. they have a hard enough job. After you've been in the [REDACTED] for a bit, you need to come back and talk to my classes.

From: [REDACTED]

Sent: Friday, February 1, 2019 11:32:03 AM

To: Bernie Barge

Subject: Re: computer

now your back in teacher mode. nooooooooooooo...go back to being cool and funny please...so what else do you want to talk about now?

On Fri, Feb 1, 2019 at 11:29 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:

Make sure he knows where it is please. I'll be back Monday.

From: [REDACTED]

Sent: Friday, February 1, 2019 11:26:25 AM

To: Bernie Barge

Subject: Re: computer

i dont know and dont really care....you know that i have it and thats all that matters right? when you coming back?

On Fri, Feb 1, 2019 at 11:25 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:

So, is he all panicked that there is a computer missing?

From: [REDACTED]

Sent: Friday, February 1, 2019 11:22:18 AM

7/26/2019

Mail - bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 9:04:48 AM
To: Bernie Barge
Subject: Re: Printing

let me know if it lets you print the document out ok?

On Fri, Feb 22, 2019 at 9:04 AM [REDACTED] wrote:

Can you please print this out for me?

[REDACTED]

7/26/2019

Mail - bbarge@smcjuhsd.org

Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 12:33:16 PM
To: Bernie Barge
Subject: RE: Printing


Thank you!!! You're the best. You haven't hung up that picture yet have you?

Sent from Mail for Windows 10

From: Bernie Barge
Sent: Friday, February 22, 2019 12:33 PM
To: [REDACTED]
Subject: Re: Printing

yep its done

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

cid:image001.png@01D4CAAA.C835D810
From: [REDACTED]
Sent: Friday, February 22, 2019 12:28:08 PM
To: Bernie Barge
Subject: Re: Printing

did you get it?

On Fri, Feb 22, 2019 at 12:15 PM [REDACTED] wrote:

[REDACTED]

On Fri, Feb 22, 2019 at 9:23 AM [REDACTED] wrote:

Thanks old man!!! ☺

Sent from Mail for Windows 10

From: Bernie Barge
Sent: Friday, February 22, 2019 9:23 AM
To: [REDACTED]
Subject: Re: Printing

its printed

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

cid:16916d8e4aadf54116a1

7/26/2019

Mail - bbarge@smcjuhsd.org

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 1:12:42 PM
To: Bernie Barge
Subject: Re: Printing

thanks...grabbed the papers already.hang up that picture and your dead.

On Fri, Feb 22, 2019 at 12:49 PM [REDACTED] wrote:
nah...only special get to know me.Anyone else is classified as creepy.

On Fri, Feb 22, 2019 at 12:46 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Everyone deserves to know you. Well, almost everyone... 😊

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 12:43:32 PM
To: Bernie Barge
Subject: Re: Printing

but yet your going to expose me to other people who dont deserve to know me or what i look like?

On Fri, Feb 22, 2019 at 12:43 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
Exactly!

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 12:41:00 PM
To: Bernie Barge
Subject: Re: Printing

i didnt give it to you so you could put on the wall.I gave to you so you remember me.

On Fri, Feb 22, 2019 at 12:37 PM [REDACTED] wrote:
Why not? That's so unfair

Sent from Mail for Windows 10

From: Bernie Barge
Sent: Friday, February 22, 2019 12:36 PM
To: [REDACTED]
Subject: Re: Printing

I'm not telling you if I did.



Bernie Barge

7/26/2019

Mail - bbarge@smcjuhsd.org

On Fri, Feb 22, 2019 at 2:17 PM [REDACTED] wrote:
actually...hold on i thought i had it

On Fri, Feb 22, 2019 at 2:18 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
good

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 2:16:12 PM
To: Bernie Barge
Subject: Re: Printing

i have it

On Fri, Feb 22, 2019 at 2:16 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
let me see it when you get back. did you lose the button or is it still there?

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 2:05:25 PM
To: Bernie Barge
Subject: Re: Printing

one of the buttons on the computer i grabbed is broken...but i didnt break it

On Fri, Feb 22, 2019 at 2:04 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
What's the bad news?

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 1:49:27 PM
To: Bernie Barge
Subject: Re: Printing

bad news

On Fri, Feb 22, 2019 at 1:27 PM [REDACTED] wrote:
im serious im not taking this lightly...i trust you and your my friend so respect my suggestions and privacy...im starting to regret giving it to you...im not changing my mind about it...just expressing my feelings toward you putting it up for everyone to see...well thats that

On Fri, Feb 22, 2019 at 1:22 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
LOL

7/26/2019

Mail - bbarge@smcjuhsd.org

Re: Printing

Bernie Barge

Fri 2/22/2019 4:32 PM

To: [REDACTED]

you too!

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 6:22:07 PM
To: Bernie Barge
Subject: Re: Printing

its all good Farrell is yanking my chain...so not cool but we'll figure something out soon hopefully...Have a great weekend old man ;)

On Fri, Feb 22, 2019 at 4:07 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
What do you need?

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 5:48:16 PM
To: Bernie Barge
Subject: Re: Printing

I need a favor whenever your not busy.

On Fri, Feb 22, 2019 at 2:38 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
good

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Friday, February 22, 2019 2:25:08 PM
To: Bernie Barge
Subject: Re: Printing

found it

7/26/2019

Mail - bbarge@smcjuhsd.org

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]

Sent: Wednesday, March 20, 2019 8:57:50 AM

To: Bernie Barge

Subject: ?

morning buttercup.....i'd like to be left alone today please.....dont ask why please

7/26/2019

Mail - bbarge@smcjuhsd.org

Re: ?

Bernie Barge

Wed 3/20/2019 1:02 PM

who do you think? Fall asleep in my room at your own peril.

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Wednesday, March 20, 2019 12:58:16 PM
To: Bernie Barge
Subject: Re: ?

that makes a difference???? who is this specific person???

On Wed, Mar 20, 2019 at 12:59 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
I didn't let somebody untie your shoe. I let a specific person untie your shoe.

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org

From: [REDACTED]
Sent: Wednesday, March 20, 2019 12:17:50 PM
To: Bernie Barge
Subject: Re: ?

you let someone untie my shoe while I sleeping? and you let me fall asleep.....ggggrrrrrr

On Wed, Mar 20, 2019 at 10:03 AM [REDACTED] wrote:
is it cool if i come and stay in your classroom after school for a little while?

On Wed, Mar 20, 2019 at 9:08 AM [REDACTED] wrote:
No, I didn't.....but thought i'd drop you a line through email....just want you to know that i apologize for ignoring you but im just not feeling up to anything today....sad,frustrated,and confused....hope you can understand that buttercup

On Wed, Mar 20, 2019 at 9:07 AM Bernie Barge <bbarge@smcjuhsd.org> wrote:
you noticed that I left my phone at home.

7/26/2019

Mail - bbarge@smcjuhsd.org

Re:



Tue 5/21/2019 1:26 PM

Deleted Items

To: Bernie Barge <bbarge@smcjuhsd.org>;

That's weird.yes there was...I'll print out next period...thank you 🙏

On Tue, May 21, 2019, 1:21 PM Bernie Barge <bbarge@smcjuhsd.org> wrote:
there was nothing on your last email. was there supposed to be?

Bernie Barge
Greenfield High School
Physics/Engineering
bbarge@smcjuhsd.org


From: 
Sent: Tuesday, May 21, 2019 1:20:04 PM
To: Bernie Barge
Subject:

Exhibit B

From: Frank Lynch
Sent: Wednesday, September 19, 2018 8:21 AM
To: GHSTeachers <ghsteachers@smcjuhsd.org>; GHSClassified <gfclassified@smcjuhsd.org>; GHSAAdmin <ghsadmin@smcjuhsd.org>
Subject: Student [REDACTED]

Good Morning All,

If you receive an e-mail from the above listed student - [REDACTED] please forward the e-mail to me. She has e-mailed several teachers on campus and we are working to get her to stop soliciting attention from teachers via e-mail or other social media.

Thank You,

Frank

Francis "Frank" M. Lynch, Principal

Greenfield High School
225 S. El Camino Real
Greenfield, CA 93927
(831) 674-2751

GO BRUINS!

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

Exhibit C

BP 4118 Personnel

Suspension/Disciplinary Action

The Governing Board expects all employees to exhibit professional and appropriate conduct and serve as positive role models both at school and in the community. An employee may be suspended or disciplined for unprofessional or inappropriate conduct in accordance with law, the district's collective bargaining agreement, Board policy, and administrative regulation.

(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4312.5 - Criminal Record Check)
(cf. 4117.4 - Dismissal)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee may take disciplinary action as he/she deems appropriate in light of the particular facts and circumstances involved and based on the severity of the misconduct. Disciplinary actions may include, but not be limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

The Superintendent or designee shall ensure that, consistent with law, disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4032 - Complaints Concerning Discrimination in Employment)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.1/4219/4319.1 - Civil and Legal Rights)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

In accordance with law, the Superintendent or designee shall notify the Commission on Teacher Credentialing when the status of a credentialed employee has been changed as a result of alleged misconduct.

(cf. 4117.7 - Employment Status Reports)

Suspension/Dismissal Procedures

The Superintendent shall notify the Board whenever he/she believes that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933.

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by

any other person. (Education Code 44934, 44934.1)

Based on the written statement of charges, the Board may, upon majority vote, give notice to the employee of its intention to suspend or dismiss him/her at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

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

Prior to serving a suspension or dismissal notice that includes a charge of unsatisfactory performance, the district shall give the employee written notice of the unsatisfactory performance that specifies the nature of the unsatisfactory performance with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unsatisfactory performance charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unsatisfactory performance shall be provided at least 90 days prior to the filing of the suspension or dismissal notice or prior to the last one-fourth of the school days in the year. (Education Code 44938)

(cf. 4115 - Evaluation/Supervision)

Prior to serving a suspension or dismissal notice that includes a charge of unprofessional conduct, the district shall give the employee written notice that describes the nature of the unprofessional conduct with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his/her faults and overcome the grounds for any unprofessional conduct charges and, if applicable, that includes the evaluation made pursuant to Education Code 44660-44665. The written notice of the unprofessional conduct shall be provided at least 45 days prior to the filing of the suspension or dismissal notice. (Education Code 44938)

Except for notices that only include charges of unsatisfactory performance, the written suspension or dismissal notice may be served at any time of year. Such notice shall be served upon the employee personally if given outside of the instructional year or, if given during the instructional year, may be served personally or by registered mail to the employee's last known address. Notices with a charge of unsatisfactory performance shall be given only during the instructional year of the school site where the employee is physically employed, and may be served personally or by registered mail to the employee's last known address. (Education Code 44936)

If an employee has been served notice and demands a hearing pursuant to Government Code 11505 and 11506, the Board shall either rescind its action or schedule a hearing on the matter. (Education Code 44941, 44941.1, 44943, 44944)

Pending suspension or dismissal proceedings for an employee who is charged with egregious misconduct, immoral conduct, conviction of a felony or of any crime involving moral turpitude,

incompetency due to mental disability, or willful refusal to perform regular assignments without reasonable cause as prescribed by district rules and regulations, the Board may, if it deems it necessary, immediately suspend the employee from his/her duties. If the employee files a motion with the Office of Administrative Hearings for immediate reversal of the suspension based on a cause other than egregious misconduct, the Board may file a written response before or at the time of the hearing. (Education Code 44939, 44939.1, 44940)

When a suspension or dismissal hearing is to be conducted by a Commission on Professional Competence, the Board shall, no later than 45 days before the date set for the hearing, select one person with a currently valid credential to serve on the Commission. The appointee shall not be an employee of the district and shall have at least three years' experience within the past 10 years at the same grade span or assignment as the employee, as defined in Education Code 44944. (Education Code 44944)

Legal Reference:

EDUCATION CODE

44008 Effect of termination of probation
44009 Conviction of specified crimes
44010 Sex offense; definitions
44011 Controlled substance offense; definitions
44242.5 Reports and review of alleged misconduct
44425 Conviction of a sex or narcotic offense
44660-44665 Evaluation and assessment of performance of certificated employees
44830.1 Criminal record summary certificated employees
44929.21 Notice of reelection decision; districts with 250 ADA or more
44929.23 Reelection and dismissal of probationary employees; districts with ADA less than 250
44930-44988 Resignations, dismissal, and leave of absence
45055 Drawing of warrants for teachers
48907 Exercise of free speech, expression
48950 Speech and other communication
51530 Advocacy or teaching of communism

GOVERNMENT CODE

1028 Advocacy of communism
3543.2 Scope of representation
11505-11506 Hearing

HEALTH AND SAFETY CODE

11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote

11364 Opium

11370.1 Possession of controlled substances with a firearm

PENAL CODE

187 Murder

291 School employees arrest for sex offense

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11165.2-11165.6 Child abuse or neglect; definitions

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status

80304 Notice of sexual misconduct

COURT DECISIONS

Vergara v. California (Los Angeles Super.Ct.) BC484642

Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334

Morrison v. State Board of Education (1969) 1 Cal.3d 214

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel,
2007

WEB SITES

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

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

(7/00 11/08) 12/14

Policy; SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT

Adopted: June 16, 2015

King City, California

Exhibit D

Students

Positive School Climate

The Governing Board desires to provide enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

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

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5030 - Student Wellness)

(cf. 5131.4 - Student Disturbances)

(cf. 5142 - Safety)

(cf. 5145.3 - Nondiscrimination/Harassment)

All staff members are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

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

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.6 - Alcohol and Drugs)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The district's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

(cf. 5131.9 - *Academic Honesty*)
(cf. 6141 - *Curriculum Development and Evaluation*)
(cf. 6142.3 - *Civic Education*)
(cf. 6142.4 - *Service Learning/Community Service Classes*)
(cf. 6142.92 - *History-Social Science Instruction*)
(cf. 6161.1 - *Selection and Evaluation of Instructional Materials*)

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, vandalism prevention campaigns, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

(cf. 1240 - *Volunteer Assistance*)
(cf. 5126 - *Awards for Achievement*)
(cf. 5131.5 - *Vandalism and Graffiti*)
(cf. 5148.2 - *Before/After School Programs*)
(cf. 6020 - *Parent Involvement*)
(cf. 6145 - *Extracurricular and Cocurricular Activities*)
(cf. 6145.5 - *Student Organizations and Equal Access*)

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

(cf. 5138 - *Conflict Resolution/Peer Mediation*)
(cf. 6164.2 - *Guidance/Counseling Services*)

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

(cf. 4131 - *Staff Development*)
(cf. 4231 - *Staff Development*)
(cf. 4331 - *Staff Development*)

Legal Reference:

EDUCATION CODE

233-233.8 Hate violence prevention

32280-32289 School safety plans

32295.5 Teen court programs

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

Creating Safe and Drug-Free Schools: An Action Guide, 1996

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Preventing Bullying: A Manual for Schools and Communities, 1998

WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/offices/OESE/SDFS>

Policy: **SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT**

Adopted: October 12, 2011

King City, California

Exhibit E

Personnel

Maintaining Appropriate Adult-Student Interactions

The Governing Board desires to provide a positive school environment that protects the safety and well-being of district students. The Board expects all adults with whom students may interact at school or in school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students and shall avoid boundary-blurring behaviors that undermine trust in the adult-student relationship and lead to the appearance of impropriety.

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

Employees are prohibited from entering into or attempting to form a romantic or sexual relationship with any student or engaging in sexual harassment of a student, including sexual advances, flirtations, requests for sexual favors, inappropriate comments about a student's body or appearance, or other verbal, visual, or physical conduct of a sexual nature.

(cf. 5145.7 - Sexual Harassment)

Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to instruction, counseling, student health, or student or staff safety.

Any employee who observes or has knowledge of another employee's violation of this policy shall report the information to the Superintendent or designee or appropriate agency for investigation pursuant to the applicable complaint procedures. Other adults with knowledge of any violation of this policy are encouraged to report the violation to the Superintendent or designee. The Superintendent or designee shall protect anyone who reports a violation from retaliation. Immediate intervention shall be implemented when necessary to protect student safety or the integrity of the investigation.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Employees who engage in any conduct in violation of this policy, including retaliation against a person who reports the violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy

may be barred from school grounds and activities in accordance with law. The Superintendent or designee may also notify law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)

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

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

The district's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites. (Education Code 44050)

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

Inappropriate Conduct

Employees shall remain vigilant of their position of authority and not abuse it when relating with students. Examples of employee conduct that can undermine professional adult-student interactions or create the appearance of impropriety include, but are not limited to:

1. Initiating inappropriate physical contact
2. Being alone with a student outside of the view of others
3. Visiting a student's home or inviting a student to visit the employee's home without parent/guardian consent
4. Maintaining personal contact with a student that has no legitimate educational purpose, by phone, letter, electronic communications, or other means, without including the student's parent/guardian or the principal

When communicating electronically with students, employees shall use district equipment or technological resources when available. Employees shall not communicate with students through any medium that is designed to eliminate records of the communications. The Superintendent or designee may monitor employee usage of district technology at any time without advance notice or consent.

(cf. 4040 - Employee Use of Technology)

5. Creating or participating in social networking sites for communication with students, other than those created by the district, without the prior written approval of the principal or designee
6. Inviting or accepting requests from students, or former students who are minors, to connect on personal social networking sites (e.g., "friending" or "following" on social media), unless the site is dedicated to school business
7. Singling out a particular student for personal attention and friendship, including giving gifts and/or nicknames to individual students
8. Addressing a student in an overly familiar manner, such as by using a term of endearment
9. Socializing or spending time with students outside of school-sponsored events, except as participants in community activities
10. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose
11. Transporting a student in a personal vehicle without prior authorization
12. Encouraging students to confide their personal or family problems and/or relationships
13. Disclosing personal, family, or other private matters to students or sharing personal secrets with students

Legal Reference

EDUCATION CODE

44030.5 Employment status reports

44050 Employee code of conduct; employee interactions with students

44242.5 Reports and review of alleged misconduct

44940 Sex offenses and narcotic offenses; compulsory leave of absence

48980 Parental notifications

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

7/19

Policy: SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT

Adopted: September 25, 2019

King City, California

Exhibit F

RECEIVED MAY 02 2017

**South Monterey County Joint Union High School District
Bargaining Unit Member Evaluation Form**

Unit Member: Bernie Barge Date: May 2, 2017
 Program/Site: GHS Period covered by this evaluation 2016-2017
 Grade(s)/Subject/Lesson: Grades 9-12, Science/STEM, Physics, IED (PLTW), and POE (PLTW)
 Dates of Conferences: December 1, 2016 December 15, 2016 March 16, 2017 April 20, 2017
 Observations: December 6, 2016 and March 16, 2017

Status of Unit Member ☐ Temporary ☐ Probationary 0 ☒ Probationary 1 ☐ Probationary 2 ☐ Permanent

Rating Definitions

1. Exceeds Standards
2. Meets Standards
3. Needs Improvement
4. Unsatisfactory – Does not meet Standards
5. Not Observed

NOT ALL ELEMENTS MUST BE EVALUATED – THOSE NOT OBSERVED SHOULD BE NOTED	1	2	3	4	5
STANDARD I – Engaging and Supporting All Students in Learning					
1. Use knowledge of student to engage them in learning		✓			
2. Connect learning to students prior knowledge, backgrounds, life experiences, and interests		✓			
3. Connect subject matter to meaningful, real-life contexts		✓			
4. Use a variety of instructional strategies, resources and techniques to meet students' diverse learning needs		✓			
5. Promote critical thinking through inquiry, problem solving and reflection		✓			
6. Monitor student learning and adjusting instruction while teaching		✓			
STANDARD II – Creating and Maintaining Effective Environments for Student Learning					
7. Promote social development and responsibility within a caring community where each student is treated fairly and respectfully		✓			
8. Create physical or virtual learning environments that promote student learning, reflect diversity, and encourage constructive and productive interactions among students		✓			
9. Establish and maintain learning environments that are physically, intellectually, and emotionally safe		✓			

	1	2	3	4	5
26. Collect and analyze assessment data from a variety of sources to improve instruction		✓			
27. Review data, both individually and with colleagues to monitor student learning		✓			
28. Use assessment data to establish learning goals and to plan, differentiate, and modify instruction		✓			
29. Involve all students in self-assessment, goal setting, and monitoring progress		✓			
30. Use available technologies to assist in assessment, analysis, and communication of student learning		✓			
31. Use assessment information to share timely and comprehensible feedback with students and their families		✓			
STANDARD VI – Developing as a Professional Educator					
32. Reflect on teaching practice in support of student learning		✓			
33. Establish professional goals and engage in continuous and purposeful professional growth and development		✓			
34. Collaborate with colleagues and the broader professional community to support teacher and student learning		✓			
35. Work with families to support student learning		✓			
36. Engage local communities in support of the instructional program		✓			
37. Manage professional responsibilities to maintain motivation and commitment to students		✓			
38. Demonstrate professional responsibilities, integrity and ethical conduct		✓			
STANDARD VII – Student Progress Toward the Attainment of Academic Standards					
39. Students demonstrate progress towards the attainment of grade-level academic standards as evidenced by results from multiple performance measures		✓			
STANDARD VIII – Fulfilling Professional Responsibilities					
40. Establish and maintain effective relationships with those contacted in the course of work		✓			
41. Complies with established rules, regulations, policies, contracts and laws		✓			
42. Fulfills assigned duties		✓			

Notes for Final Evaluation: Barge, B.

12/06/2016

Provide Evidence

8:01 am: "Do Now" is projected onto the wall. Get computers, login, and take out journal. Students are all doing these as the teacher takes attendance.

8:04 am: Mr. Barge presents a brief lecture with the overview of the work to be done during today's class - CAD Modeling, Additive Method, and Subtractive Method.

8:10 am: Students open the CAD Software on their laptop computers. Some of the students are familiar with the program and are working on the design as the teacher is explaining the assignment.

8:12 am: After completing the description of the object to be modeled - there is also a slide presented with the dimensions and instructions - the teacher circulates the room to Check for understanding and provided guidance and feedback. Students are all working on the design using the "Additive Method".

8:20 am: Many students are attempting to build the model in CAD, several are done. The teacher goes to the front of the class and demonstrates on his laptop how to build the model in CAD. He then circulates again to ensure that all students have completed the first part of the drawing.

8:25 am: All students have the basic drawing complete, the teacher asks them to extrude the drawing, and the students do this.

8:29 am: Mr. Barge again circulates the room to CFU and provide feedback for students.

8:34 am: Mr. Barge goes to his laptop and completes the drawing using the "Additive Method" to demonstrate for the students and provide an exemplar for them to check against their work.

8:42 am: Teacher then provides another short lecture about the "Subtractive Method" and provides a slide with the basic dimensions of the drawing with which they will start.

8:45: Students begin another drawing in the CAD Program, this one is a larger rectangle from which they will subtract portions to create the same object they have just built using the "Additive Method".

8:47 am: Teacher returns to his laptop to demonstrate the next steps for creating the drawing by removing material from the original rectangle. The teacher then circulates the room to CFU and provide feedback to students.

8:50 am: This method of demonstrate on the teacher laptop and then circulate to see student progress continues through the end of the period. Most students have completed both drawings by the end of the period – Additive and Subtractive Methods.

Praise

Mr. Barge did well to provide his lesson in chunks, students were given instruction and then allowed to carry out those instructions before receiving further instructions.

9:16 – Teacher reviews the vocabulary for the elements of design; point, line, color. There is a review of each and some examples.

9:24 – Teacher circulates the room to check for understanding and to see that students are completing the matrix for the item in Activity 6.1, a soap dish.

9:30 – Review of the matrix continues, the vocabulary is now shape and form.

9:36 – Teacher again checks for understanding and circulates to review student work.

9:43 – Teacher checks time and reviews the proper procedure to log off computers. He then instructs students to log off computers and place them back into the Laptop Cart properly.

9:49 – Bell rings and students are released.

Praise

Mr. Barge did well to provide his students with a project that allows for autonomy and provides alternate means for assessment of class goals. Students will have opportunities to demonstrate their understanding in multiple ways.

Mr. Barge uses vocabulary that is pertinent to the subject matter and the Engineering industry and expects students to use the same vocabulary in his class.

Pose

After seeing the Chevron Design Challenge briefing, how would you change this lesson for your students?

Propose

Mr. Barge and I discussed ways to incorporate the multiple facets of the CDC into his classroom activities. He will be bringing other activities to his students that line up with the CDC briefings.

Overall Comments and Remarks

Mr. Barge and I discussed both of his classroom observations and the notes he took away from those.

Mr. Barge is planning to attend the PLTW Training over the summer for Aerospace Engineering. He has attended over the last two summers for the IED and POE classes. He is currently our only PLTW Engineering teacher, but he is recruiting help in some of the other teachers at GHS to continue to grow the program.

Mr. Barge is also the advisor for the Senior Class of 2017 and the Physics Club. He is working to ensure that these clubs are successful and promote student interest.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bernard Borge

2. Article Number

(Transfer from service label)

7012 2210 0001 5593 4604

PS Form 3811, August 2001

Domestic Return Receipt

2AC

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date

D. Is delivery address different from item 1? ☐
if YES, enter delivery address below ☐

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for M
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$ 7.75

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$ 7.75

Postmark
Here

Sent To

Bernard Borge

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2000

See Reverse for Instructions

7012 2210 0001 5593 4604

SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT


800 Broadway Street, King City, CA 93930 • P. 831-385-0606 • F. 831-385-0695

CONFIDENTIAL

August 29, 2019

Via Certified U.S. Mail & Electronic Mail to bbarge@smcjuhsd.org

Bernerd Barge



Re: Notice of Investigation

Dear Mr. Barge:

As you were previously informed, a complaint was filed against you alleging that you engaged in inappropriate conduct with a student from Greenfield High School.

The South Monterey County Joint Union High School District ("District") takes such complaints very seriously. Board Policy ("BP") and Administrative Regulations ("AR") 1312.1 and 1312.3 govern how the District processes complaints such as this, and copies of these procedures are enclosed for your reference. The District has retained an independent investigator. Ms. Alezah Trigueros, will serve as the person responsible for investigating the Complaint.

As part of the investigation, Ms. Trigueros will need to interview you; please make yourself available as needed. During the course of the investigation, Ms. Trigueros will interview relevant witnesses and review relevant documents. The investigation will be conducted as confidentially as possible.

During the investigation, it is important that witnesses feel free to candidly speak during the investigation without fear of intimidation, harassment, or retaliation, and it is inappropriate for anyone to destroy, falsify, or cover up evidence. **You are hereby directed not to retaliate against any witness who may participate in the investigation.**

During the course of this investigation, you are also directed to refrain from discussing the investigation or the incidents under investigation with anyone to the extent it affects the integrity of the investigation. Please note that this directive does not prohibit you from discussing the investigation or complaints against you with your attorney or representative.

Greenfield High School
225 S. El Camino Real
Greenfield, CA 93927
P. 831-674-2751

King City High School
720 Broadway Street
King City, CA 93930
P. 831-385-5461

Portola-Butler Continuation High School
760 Broadway Street
King City, CA 93930
P. 831-385-4661

At the conclusion of the investigation, Ms. Trigueros will make factual findings related to the allegations against you, and you will be notified of findings as soon as the investigation is completed.

If you have any questions about the investigation, please do not hesitate to contact me or Claudia Arellano, Director of Human Resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Walker".

Brian Walker, Ed. D.
Superintendent

Enclosures: BP / AR 1312.1 and 1312.3

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall assist him/her if requested to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. The complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Child Abuse Prevention and Reporting

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(12/88 6/94) 3/01

Regulation

KING CITY JOINT UNION HIGH SCHOOL DISTRICT

Adopted: January 13, 2010

King City, California

Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall assist him/her if requested to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

7. The complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

Child Abuse Prevention and Reporting

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(12/88 6/94) 3/01

Regulation

KING CITY JOINT UNION HIGH SCHOOL DISTRICT

Adopted: January 13, 2010

King City, California

Community Relations

Uniform Complaint Procedures

Except as the Governing Board may otherwise specifically provide in other district policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Senior Director of Human Resources
800 Broadway
King City, Ca 93930
831 385 0606

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the State Administrator/Superintendent or designee.

The State Administrator/Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such designated employees shall include current state and federal laws and regulations governing the

program, applicable processes for investigating and resolving complaints including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the State Administrator/Superintendent or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the State Administrator/Superintendent, the State Administrator/Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

(cf. 5145.6 - Parental Notifications)

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Sr. Director of Human Resources
800 Broadway Street
King City, CA 93930
831-385-0606, extension 4305

The State Administrator/Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the State Administrator/Superintendent or designee.

(cf. 9124 - Attorney)

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and

offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 3260 - Fees and Charges)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The annual notification and complete contact information of the compliance officer(s) may be posted on the district web site and, if available, provided through district-supported social media.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The State Administrator/Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
 - c. A complaint alleging retaliation, unlawful discrimination, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the State Administrator/Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
 - d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
 - e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

(cf. 0460 - Local Control and Accountability Plan)
 - f. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
 - g. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
 - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
 - (2) Not require the student to retake any course or a portion of a course which he/she has

satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

h. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

i. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

(cf. 5145.6 - Parental Notifications)

j. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All UCP-related complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take

subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Filing of Complaint

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075)
3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the State Administrator/Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination or bullying is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

Final Written Decision

The district's decision shall be in writing and shall be sent to the complainant. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
 - a. Statements made by any witnesses
 - b. The relative credibility of the individuals involved
 - c. How the complaining individual reacted to the incident
 - d. Any documentary or other evidence relating to the alleged conduct
 - e. Past instances of similar conduct by any alleged offenders
 - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)

- d. The number of persons engaged in the conduct and at whom the conduct was directed
 - e. The size of the school, location of the incidents, and context in which they occurred
 - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including remedies offered or provided to the subject of the complaint

- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

- 1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
- 2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
- 3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

- 1. Counseling
- 2. Academic support

3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the State Administrator/Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

(1/13 10/14) 7/15

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students, updates to school policies, or school climate surveys. For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, including discriminatory harassment, intimidation, or bullying, that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 49013, 52075)

AR 1312.3 (m)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the State Administrator/Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

***Note: The CDE may directly intervene in a complaint without waiting for action by the district when certain conditions exist, including the following: (1) the complaint alleges failure to comply with the UCP, including failure to follow the required timelines and failure to implement the final written decision; (2) the complainant requires anonymity due to the possibility of retaliation and would suffer immediate and irreparable harm if a complaint was filed and the complainant was named; (3) the complainant alleges that he/she would suffer immediate and irreparable harm as a result of an application of a districtwide policy that is in conflict with state or federal law and that filing a complaint would be futile; (4) the complainant alleges failure to comply with the due process procedures established pursuant to special education law and regulation to implement a due

process hearing order; (5) the complainant alleges facts that indicate that one or more students may be in immediate physical danger or that the health, safety, or welfare of one or more students is threatened; or (6) the complainant alleges failure to follow a student's individualized education program. ***

(10/14 7/15) 3/16

Policy: SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT

Adopted: May 18, 2016

King City, California

LYBARGER/SPEILBAUR NOTICE

You, Bernard Borge, are about to be interviewed as part of an investigation by the South Monterey County Joint Union High School District. The investigation arises from a complaint against you alleging inappropriate conduct with a student. The purpose of this notice is to inform you of your rights and obligations in advance of questioning, as follows:

You are being directed to answer questions related to the allegations. You have the right to remain silent in response to one or more of the questions asked of you. You are hereby notified, however, this is an administrative investigation, not a criminal investigation, accordingly, you are being ordered to answer all questions in a truthful manner and your failure to do so may be deemed insubordination and may result in discipline, up to and including termination.

Because this is an administrative investigation, and you are answering questions under threat of possible discipline, and under California law, the information you provide to the District in the interview or follow-up interviews, or any information derived from such interviews, will not be used in a criminal proceeding or criminal investigation for any purpose. You are providing statements with the understanding that they will not be used against you in any subsequent criminal proceeding, nor will any use of evidence derived from the statement be made in any subsequent criminal proceeding or investigation.

A copy of this Notice will be maintained with any notes, summary or documentation of your answers to the District's questions, so that it is clear to all who read the information that you have not surrendered your rights described above. This Notice will not be maintained in your personnel file.

You have the right to have a representative present with you during your interview.

DATE: 9/24/19

Bernard Borge
Employee Name [Printed]

[Signature]
Employee Signature

DATE: 9/24/19

[Signature]
Representative for District or
Independent Investigator

Greenfield High School

Memo

To: Claudia Arellano, Sr. Director of HR
From: Francis M. Lynch, Principal
cc: Brian Walker, Ed.D.
Date: 08/12/2019
Re: Teacher disclosure of possible student contact issue.

This memo is intended to be a summary of my actions related to a teacher report of his contact with a former student outside of school.

On July 19, 2019 at about 12:00 pm, Mr. B. Barge came to my office at Greenfield High School with a former student – [REDACTED]. He wanted to explain to me that I would soon hear that the Greenfield PD was looking into his contact with this student as she is now staying at his house.

Mr. Barge explained that he and his wife had come to Greenfield to pick [REDACTED] up from her home to help her move into their home [REDACTED]. He explained that he had talked to [REDACTED] and she said things were not going well at home and he offered to allow her to stay with him and his wife until she entered [REDACTED] in October.

After he explained this to me, we discussed a few school items such as his schedule of classes for the coming year and a short time later he and [REDACTED] left.



SOUTH MONTEREY COUNTY JOINT UNION HIGH SCHOOL DISTRICT

800 Broadway Street, King City, CA 93930 • P. 831-385-0606 • F. 831-385-0695



VIA PERSONAL DELIVERY

August 2, 2019

Bernerd Barge

Dear Mr. Barge:

Effective immediately, you are hereby placed on paid administrative leave until further notice pending investigation into allegations made that you engaged in inappropriate conduct with a student. This is currently under investigation by the Greenfield Police Department.

During the time of this administrative leave you are not to be on any district property unless requested to do so by the Human Resources Director or myself. However, you are to be available to district staff during the normal working hours of a certificated employee of the district (7:45 AM – 3:15 PM).

You are to provide lesson plans for each day of your absence including any planned tests. You will be required to assess student work during this time and enter into AERIES appropriate grades. You are not to have any contact with students and including any after school clubs for which you are responsible.

You will be contacted once the district investigation has been completed.

Sincerely,

Brian Walker, Ed.D.
Superintendent

CC: Frank Lynch, Principal Greenfield High School

Greenfield High School
225 S. El Camino Real
Greenfield, CA 93927
P. 831-674-2751

King City High School
720 Broadway Street
King City, CA 93930
P. 831-385-5461

Portola-Butler Continuation High School
760 Broadway Street
King City, CA 93930
P. 831-385-4661

[Download](#) [Hide email](#)

Good evening Mr. Walker,

I just received some disturbing news....I am just relaying it to you and I do not know if this is true.

[REDACTED] has filed a report with the Greenfield PD on a Greenfield High School teacher, Mr. Bernie Barge, who teaches engineering classes. Her [REDACTED] and is 18 now, has been entangled with Mr. Barge since years past. The mother has found evidence of their sexual conversations. Apparently, she was not the only one. Many students know him as the "pervert" at the school. She has been seen with a man driving a white Jeep. Again I do not know any other details and have supplied you with the Mother's phone number. Also, you may want to contact the Greenfield PD. The mother is very concerned for her because she left the home.

(No subject)

0 2 v

BW

Brian Walker

Today, 8:52 AM

Claudia Arellano v

📧 ⌵ | v

text_0.txt
1 KB



Download

Save to OneDrive - South Monterey County Joint Union High School District

Brian Walker, Ed.D.

Superintendent

South Monterey County JUHSD

...

8

(No message text)

0

Yesterday, 6:05 PM