

CSBA Policy Management Console
CSBA Sample District Policy Manual

Policy 3515.3: District Police/Security Department

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

To help protect the safety of district students and staff and the security of district property, the Governing Board shall maintain a district police or security department. The Board is committed to providing a positive school climate, mental health services, other student support services, and restorative justice practices to resolve conflicts and reduce law enforcement interactions with students.

The Superintendent or designee shall provide training to staff regarding the role of district police or security officers and the appropriate circumstances for contacting such officers.

Duties of district police or security officers shall be delineated in a job description approved by the Board. Such duties shall focus on collaborative problem solving and, when circumstances warrant intervention with students, the use of positive and restorative approaches in accordance with Penal Code 13651. Police or security officer job duties shall not include the handling of routine student disciplinary matters.

OPTION 1: (Security Department)

Persons employed or assigned as school security officers shall serve as watchpersons, security guards, or patrolpersons on or about district premises to protect persons or property, prevent the theft or unlawful taking of district property, or report unlawful activity to the district and local law enforcement agencies. (Education Code 38001.5)

When district security officers are unable to perform their duties because of an emergency, including, but not be limited to, war, epidemic, fire, flood, or work stoppage, or when the emergency necessitates additional security services, the Board may contract with a private licensed security agency. In such cases, the Board shall make a specific finding that an emergency exists and shall include this finding in the Board minutes. (Education Code 38005)

OPTION 2: (Police Department)

Persons employed as members of the district police department, when appointed and duly sworn, are peace officers for the purposes of carrying out their duties pursuant to Penal Code 830.32. (Education Code 38001)

The district's police department may be supplemented by a school police reserve officer corps, which may include unpaid volunteer reserve police officers. For the duration of their specific assignment, school police reserve officers shall have the same powers and duties as other school police officers. (Education Code 35021.5; Penal Code 830.6)

When notified by a school official of a threat or perceived threat that a student is preparing to commit a homicidal act related to a school or school activity, district police and security officers shall, with the support of the district, immediately conduct an investigation and assessment of the threat or perceived threat. Such investigation and assessment shall include a search of the school site only if there is reasonable suspicion that the search would produce evidence related to the threat or perceived threat. (Education Code 49390, 49393, 49394)

Conduct of Officers

The Board expects district police or security officers to cooperate and regularly communicate with local law enforcement agencies, and to work collaboratively with other district staff and community members to develop long-term, proactive approaches that address the conditions affecting school safety.

District police or security officers shall conduct themselves in ways that promote goodwill and cooperation on the part of students, district staff, and the general public. District police or security officers shall not discriminate against or treat any person differently on the basis of race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, genetic information, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group

with one or more of these actual or perceived characteristics.

District police or security officers shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and/or federal law. (Education Code 234.7)

Whenever possible, district police or security officers shall use tactics such as de-escalation techniques, crisis intervention tactics, or other alternatives to force to minimize the use of force. The district police department shall maintain and make accessible to the public a policy on the use of force in accordance with Government Code 7286 and consistent with district policy and administrative regulation. Officers shall periodically receive training regarding applicable district policies and the guidelines from the Commission on Peace Officer Standards and Training.

Equipment

OPTION 1: The Board authorizes district police or security officers to carry firearms in accordance with law, Board policy, and administrative regulations.

OPTION 2: District police or security officers shall not carry firearms.

The district police department shall be eligible to receive surplus military equipment pursuant to 10 USC 2576a only if, at a regularly scheduled public Board meeting, the Board approves the acquisition of such equipment after providing parents/guardians and members of the public an opportunity to comment on the proposed acquisition. The Board shall provide a detailed description of the function and purpose of the surplus military equipment, identify safe and secure storage for the equipment, and ensure that district police officers have adequate training in the safe use and handling of the equipment to be received. (Education Code 38004.5)

Records

District police or security officers shall not have access to student records, nor release student information to another person, agency, or organization, without written permission from the parent/guardian or adult student, unless specifically allowed or required by state or federal law. (Education Code 49076; 34 CFR 99.1)

Records created and maintained by the district police or security department for a law enforcement purpose are not considered disclosable student records under the Family Educational Rights and Privacy Act. (34 CFR 99.3)

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

State References

Description

Bus. and Prof. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUNgP7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats

Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

Federal References

10 USC 2576a
34 CFR 99.1-99.67

Description

Surplus military equipment
Family Educational Rights and Privacy

Management Resources References

California Attorney General Publication	Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, 2018
Comm on Peace Officer Standards & Training Pub.	POST Use of Force Standards and Guidelines, November 2021
Court Case	San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275
Website	U.S. Department of Homeland Security, Fusion Centers - https://simbli.eboardsolutions.com/SU/tJtHFHlU2yEDvIMpPVrtBA==
Website	California State Threat Assessment System - https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJKHzwyPRczQ==
Website	California Office of Emergency Services - https://simbli.eboardsolutions.com/SU/tJtHFHlU2yEDvIMpPVrtBA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==

- Website [California Department of Education, Safe Schools -
https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==](https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==)
- Website [California Attorney General's Office -
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Cross References

Description

- 0410 [Nondiscrimination In District Programs And Activities -
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- 0450 [Comprehensive Safety Plan -
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- 1113 [District And School Web Sites -
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- 1400 [Relations Between Other Governmental Agencies And The Schools -
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4211 Recruitment And Selection -
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4212 Appointment And Conditions Of Employment -
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5131.4 Student Disturbances -
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5131.5 Vandalism And Graffiti -
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5131.6 Alcohol And Other Drugs -
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5142.1 Identification And Reporting Of Missing Children -
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5144 Discipline -
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- 5145.9 Hate-Motivated Behavior -
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Regulation 3515.3: District Police/Security Department

Status: ADOPTED

Original Adopted Date: 10/01/1998 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

To be employed as district police or security officers, persons shall meet all the requirements for classified personnel in addition to specialized requirements as described below.

Chief of Police/Chief of Security

The district police or security department shall be supervised by a chief of police or chief of security designated by the Superintendent and shall work under the Superintendent's direction. (Education Code 38000)

Qualifications for the position of police or security chief include, but are not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training (POST). The police or security chief shall comply with this requirement within one year of initial employment in this position by the district. (Education Code 38000)

Qualifications of Security Officers

A person employed as a school security officer shall: (Education Code 38001.5)

1. Under the conditions described in Education Code 38001.5, submit fingerprints to the district on forms or electronically, as prescribed by the Department of Justice (DOJ)
2. Be determined not to be a person prohibited from employment by a school district pursuant to Education Code 44237 or 45122.1
3. Be determined by DOJ not to be a person who is prohibited from possessing a firearm

The district shall provide each school security officer, during the employee's regular working hours, the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with POST. (Education Code 38001.5)

School security officers who carry a firearm while performing their duties shall additionally satisfy the training requirements of Penal Code 832. (Education Code 38001.5)

Qualifications of Police Officers

Before exercising the powers of a peace officer, district police officers shall satisfactorily complete an introductory course of training prescribed by POST and shall pass the POST examination. (Penal Code 832, 832.3)

A person who has passed this examination more than three years before being employed as a peace officer, or has a break in service of three or more years, shall be required to pass the examination before beginning duties as a district police officer, unless exempted pursuant to Penal Code 832. (Penal Code 832)

Within a reasonable period of time, but not to exceed two years of the date of first employment, police officers shall complete supplementary specialized training approved by POST on the unique safety needs of a school environment. (Penal Code 832.3)

The Superintendent or designee may provide district police officers with additional training in other public safety skills, including, but not limited to, first aid, rescue, cardiopulmonary resuscitation, emergency medical technician training, juvenile procedures, and specialized safety equipment. (Education Code 38002)

School police reserve officers shall complete a course of training directly related to the role of school police reserve officers as prescribed in Penal Code 832.2. (Education Code 35021.5)

Equipment

Each district police or security officer shall wear a badge bearing the name of the district, carry an identification card bearing a photograph and signature and the signature of the Superintendent, and carry any other identification data required by local law enforcement agencies. (Education Code 38003)

The district shall bear the cost of all required uniforms, equipment, identification badges, and cards. (Education Code 38003)

The district may provide and maintain motor vehicles for use by police or security department staff. When operated by a district officer in the performance of the officer's duties, any vehicle is an authorized emergency vehicle and may be equipped and operated as such, as provided by the Vehicle Code. (Education Code 38004)

Use of Force

District police or security officers shall not use a carotid restraint or choke hold involving the application of pressure to a person's neck, trachea, or windpipe. (Government Code 7286.5)

Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person's neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person.

Choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe.

The district police department shall maintain a policy, consistent with guidelines provided by POST, that provides a minimum standard on the use of force and includes all of the following: (Government Code 7286; Penal Code 13519.10)

1. A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible
2. A requirement that officers only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance
3. A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed
4. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to DOJ in compliance with Government Code 12525.2
5. A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer
6. A prohibition on retaliation against an officer who reports a suspected violation of law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation
7. Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person

8. A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm
9. Procedures for disclosing public records in accordance with Penal Code 832.7
10. Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents
11. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force
12. An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased and that reflect cultural competency
13. Comprehensive and specific guidelines for the application of deadly force
14. The role of supervisors in the review of use of force applications
15. A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so
16. Training standards and requirements relating to demonstrated knowledge and understanding of the district's use of force policy by officers, investigators, and supervisors
17. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities
18. Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated
19. A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to Item #3, above, be disciplined up to and including in the same manner as the officer that committed the excessive force
20. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted
21. Factors for evaluating and reviewing all use of force incidents
22. Minimum training and course titles required to meet the objectives in the use of force policy
23. A requirement for the regular review and updating of the policy to reflect developing practices and procedures

The district prohibits retaliation against an officer or other district employee who reports a suspected violation of this policy by another officer.

Personnel Status and Files

In order to receive permanent classified service status, a full-time district police officer or public safety dispatcher who operates a dispatch center certified by POST shall serve in a probationary status for not less than one year from the date of appointment to the full-time position. (Education Code 45113, 45301)

Before any record containing an adverse comment is placed in a district police officer's personnel file, the employee shall read and sign the record indicating awareness of the comment. The officer shall have 30 days to file a written response, which shall be attached to the adverse comment. (Government Code 3305-3306)

A police officer's personnel file may be inspected during usual business hours with no loss of compensation. If the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted and shall describe the reasons supporting those corrections or deletions. Within 30 days of the request, the Superintendent or designee shall either grant the

officer's request or notify the officer of the decision to refuse to grant the request. The Superintendent or designee shall state in writing the reasons for refusing any request. (Government Code 3306.5)

Disciplinary Action

Any investigation of a district police officer that could lead to punitive action shall be conducted in accordance with Government Code 3303-3304.

If the Superintendent or designee decides to impose discipline following investigation and any predisciplinary response or procedure, the police officer shall be notified in writing within 30 days of the decision, including the date that the discipline shall be imposed. (Government Code 3304)

Any appeal by a police officer shall be conducted in accordance with Board policy and administrative regulation. (Government Code 3304.5)

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

State References

Description

Bus. and Prof. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNgP7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police

Pen. Code 830.6	Reserve police officers; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm
Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

Federal References

10 USC 2576a	Surplus military equipment
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Description

Management Resources References

California Attorney General Publication	Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, 2018
Comm on Peace Officer Standards & Training Pub.	POST Use of Force Standards and Guidelines, November 2021
Court Case	San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275
Website	U.S. Department of Homeland Security, Fusion Centers - https://simbli.eboardsolutions.com/SU/tJtHFHUI2yEDvIMpPVrtBA==
Website	California State Threat Assessment System - https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJKHzwyPRczQ==
Website	California Office of Emergency Services - https://simbli.eboardsolutions.com/SU/tJtHFHUI2yEDvIMpPVrtBA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Peace Officer Standards and Training - https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==
Website	California Department of Education, Safe Schools - https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Description

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==
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1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBttrSjA==
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1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==
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1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKcTUNwljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugz2YLUrw==
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3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslshQMqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfnTrq3yI0UnDK53CpBA==
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3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSsb7fbslshw==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Ebfmbg==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIKtBcZcF8v5agg==
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5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==
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5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/a0plusNVDz9UuWKnGW6XLW4rA==
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5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==

Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2000 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board 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. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

Disciplinary action shall be based on the particular facts and circumstances involved and the severity of the conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal warnings, written warnings, reassignment, suspension, freezing or reduction of wages, compulsory leave, or dismissal.

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

Suspension/Dismissal Procedures

The Superintendent shall notify the Board whenever 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 the Board's intention to suspend or dismiss the employee at the expiration of 30 days from the date the notice is served. (Education Code 44934, 44934.1)

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 the 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)

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 the 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 assigned 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)

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

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism

Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses
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Management Resources References

	Description
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14lJrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUuIsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusqf8OJfVdSVEedfwjAA==

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7I1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDckQsxpNclpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOBG2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIIktBcZcF8v5agg==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/MPR97KriNiwH94qpqg6SRw==
4112.1	Contracts - https://simbli.eboardsolutions.com/SU/livPTslsh1UwK7EcyslshYkmCBZA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMlslshxLI2YOPYoMMU2U7w==

4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPzplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOkrYP8gpluug==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==
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4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshsvfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==
4114	Transfers - https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74Qj4ETg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/vrsIOSKabKdr9XdJcOBqDw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cpluodbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QRcWQUtgJeCDcHbvk2IRQ==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSSlshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil55CtVQ==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plurWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCpNgtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJJdgUB9slshA==

4119.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==>

4127 Temporary Athletic Team Coaches - <https://simbli.eboardsolutions.com/SU/rdpzrJrsafrxuBrElcbGnA==>

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4131.1 Teacher Support And Guidance - <https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==>

4131.1 Teacher Support And Guidance - <https://simbli.eboardsolutions.com/SU/zlGKbGQaVplusdRicemB3xUUw==>

4136 Nonschool Employment - <https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==>

4141 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==>

4141.6 Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==>

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4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>

4157 Employee Safety - <https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVTQ==>

4157 Employee Safety - <https://simbli.eboardsolutions.com/SU/pCyFLiyDAxQFxBhUbSHFA==>

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4159 Employee Assistance Programs - <https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhCAKsYU5Q==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

4212.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/RQiw5kZICOmKqEEHCuVAIA==>

4212.42 Drug And Alcohol Testing For School Bus Drivers - <https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==>

4212.42 Drug And Alcohol Testing For School Bus Drivers - <https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==>

4212.5 Criminal Record Check - <https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==>

4212.5-E(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==>

4212.5-E PDF(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==>

4212.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==>

4212.9-E(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==>

4212.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==>

4213.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==>

4219.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/qlnWNgN2LFslshDzTCLslsh592A==>

4219.11 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==>

4219.11 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==>

4219.12 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==>

4219.12-E(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==>

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4219.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==>

4219.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==>

4219.21-E PDF(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==>

4219.22 Dress And Grooming - <https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiWdyg8jPUA==>

4219.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshFoA==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQsqTDILbw==>

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4227 Temporary Athletic Team Coaches - <https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==>

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4236 Nonschool Employment - <https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKwOvAGRcktA==>

4241.6 Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==>

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4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGsvtT8tew==>

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4257 Employee Safety - <https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==>

4257 Employee Safety - <https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshljslshio2S8eQ==>

4258 Employee Security - <https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==>

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4259 Employee Assistance Programs - <https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==>

4312.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==>

4312.42 Drug And Alcohol Testing For School Bus Drivers - <https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==>

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4312.5 Criminal Record Check - <https://simbli.eboardsolutions.com/SU/87h9kHh1nls8QFmawlNJVQ==>

4312.5-E(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==>

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4312.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1Uz7Fg==>

4312.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==>

4312.9-E(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==>

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4313.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVilFg1dcww==>

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4319.12 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==>

4319.12-E(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==>

4319.12-E PDF(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6VfGrbnQ==>

4319.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==>

4319.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==>

4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclUJDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlXmSo6Ca3A==
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4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87l1DiM4BuNlpmMp4jw==
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4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qk9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
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4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapplusNRYWW1VUQ==
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5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==
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5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
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5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
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5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
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6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
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9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Regulation 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2000 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Causes for Suspension or Dismissal

A certificated employee with permanent status may be suspended without pay or dismissed only for one or more of the following causes: (Education Code 44932)

1. Immoral conduct including, but not limited to, egregious misconduct that is the basis for a sex offense or controlled substance offense described in Education Code 44010 or 44011 or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Unprofessional conduct
3. Commission, aiding, or advocating the commission of acts of criminal syndicalism
4. Dishonesty
5. Unsatisfactory performance
6. Evident unfitness for service
7. Physical or mental condition unfitting the employee to instruct or associate with children
8. Persistent violation of or refusal to obey the school laws or reasonable regulations of the state or district
9. Conviction of a felony or of any crime involving moral turpitude
10. Violation of Education Code 51530 or Government Code 1028 prohibiting the advocacy or teaching of communism
11. Alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children

An employee may be suspended or dismissed on grounds of unprofessional conduct consisting of acts or omissions not listed above if the charge specifies instances of behavior deemed to constitute unprofessional conduct. (Education Code 44933)

Suspension/Dismissal of Permanent Employees

When a permanent certificated employee is charged with one or more of the offenses specified in the section "Causes for Suspension or Dismissal" above, the following procedures shall apply:

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists (Education Code 44934, 44934.1)
2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)
4. The employee shall be suspended or dismissed when the Commission on Professional Competence or

administrative law judge has issued its decision supporting suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

The Superintendent or designee shall notify the Commission on Teacher Credentialing when the employment status of a certificated employee has been changed as a result of alleged misconduct or while an allegation of misconduct is pending. (Education Code 44030.5, 44242.5, 44940; 5 CCR 80303)

Suspension/Dismissal of Probationary Employees

The district may choose not to rehire probationary employees for the following school year without giving a statement of reasons, if proper notice is provided by March 15. (Education Code 44929.21, 44929.23)

OPTION 1: (Districts with ADA of 250 or more, or districts with less than 250 ADA that have elected to use the dismissal procedures in Education Code 44948.3)

During the school year, a probationary employee who is in the first or second year of service may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above or for unsatisfactory performance determined pursuant to Education Code 44660-44665. (Education Code 44948.2, 44948.3)

Whenever a first- or second-year probationary employee is so charged, the following procedures shall apply for dismissing the employee during the school year: (Education Code 44948.3)

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.
2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.
3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

A probationary employee may be suspended without pay for a specified period of time as an alternative to dismissal. (Education Code 44948.3)

OPTION 1 ENDS HERE

OPTION 2: (Districts with less than 250 ADA that do not grant permanent status after two years and do not elect to use the procedures in Education Code 44948.3)

During the school year, probationary employees may be dismissed only for one or more of the causes listed in Items #1-11 in the section "Causes for Suspension or Dismissal" above. (Education Code 44948)

Whenever a probationary employee is so charged, dismissal procedures shall be those set forth in Education Code 44934 and 44934.1 as described in the section "Suspension/Dismissal of Permanent Employees" above.

OPTION 2 ENDS HERE

Compulsory Leave of Absence

Upon being informed by law enforcement that a certificated employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes: (Education Code 44830.1, 44940)

1. Any sex offense as defined in Education Code 44010

2. Violation or attempted violation of Penal Code 187 prohibiting murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a certificated employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1, except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols. (Education Code 44940)

If an employee is charged with an offense that falls into both the mandatory and optional leave of absence definitions, the offense shall be treated as a mandatory leave of absence offense. (Education Code 44940)

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless a hearing is demanded. (Education Code 44940, 44940.5)

During the period of compulsory leave, the employee shall be compensated in accordance with Education Code 44940.5.

Upon receipt of telephone or electronic notification from the Department of Justice that a current temporary, substitute, or probationary employee serving before March 15 of the second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place the employee on leave without pay. Upon receipt of electronic notification of the conviction from the Department of Justice, such employee shall be automatically terminated and without regard to any other termination procedure. (Education Code 44830.1)

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

State References	Description
5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism

Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution	Description Amendment 1, Free exercise, free speech, and establishment clauses
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Management Resources References

Commission on Teacher Credentialing Publication	Description California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14lJrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUJlSaQ7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

1114	Description District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==

1312.1 Complaints Concerning District Employees -
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3230 Federal Grant Funds -
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3512-E(1) Equipment -
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3513.3 Tobacco-Free Schools -
<https://simbli.eboardsolutions.com/SU/YcXDCKQsxpNclpvl3ATIA==>

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<https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==>

3515.2 Disruptions -
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3516.2 Bomb Threats -
<https://simbli.eboardsolutions.com/SU/IVIK9slshAIIktBcZcF8v5agg==>

4000 Concepts And Roles -
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4020 Drug And Alcohol-Free Workplace -
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4040 Employee Use Of Technology -
<https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==>

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4112 Appointment And Conditions Of Employment -
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4136 Nonschool Employment - <https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==>

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4158 Employee Security - <https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==>

4159 Employee Assistance Programs - <https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/EEFMgObslshqslshiKqJJUX7vSg==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

4212.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/RQiw5kZICOmkaEEHCuVAIA==>

4212.42 Drug And Alcohol Testing For School Bus Drivers - <https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==>

4212.42 Drug And Alcohol Testing For School Bus Drivers - <https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==>

4212.5 Criminal Record Check - <https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==>

4212.5-E(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==>

4212.5-E PDF(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==>

4212.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4sIshb8EnhyJPw==>

4212.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==>

4212.9-E(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==>

4212.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==>

4213.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41usIshvw==>

4219.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/qInWNgn2LFsIshDzTCLsIsh592A==>

4219.11 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9Ipm2w==>

4219.11 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/f0Iz7oK8fOTNnMJg3w7aWA==>

4219.12 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==>

4219.12-E(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==>

4219.12-E PDF(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/VEmAxxwF6VTwEh7mmLHH7xg==>

4219.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==>

4219.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==>

4219.21-E PDF(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==>

4219.22 Dress And Grooming - <https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiWdyg8jPUA==>

4219.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQsqTDILbw==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==>

4227 Temporary Athletic Team Coaches - <https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplussQ==>

4227 Temporary Athletic Team Coaches - <https://simbli.eboardsolutions.com/SU/gh6iL9tkxViyly74pfsyvg==>

4236 Nonschool Employment - <https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKwOvAGRcktA==>

4241.6 Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/8ghHTIoULRupEkUU4HVtdg==>

4241.6 Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL30krzA==>

4257 Employee Safety - <https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==>

4257 Employee Safety - <https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshlslshio2S8eQ==>

4258 Employee Security - <https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==>

4258 Employee Security - <https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==>

4259 Employee Assistance Programs - <https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==>

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4312.5-E(1) Criminal Record Check - <https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==>

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4312.9-E(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==>

4312.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==>

4313.5 Working Remotely - <https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVilFg1dcww==>

4317.7 Employment Status Reports - <https://simbli.eboardsolutions.com/SU/ecU45JtmfvVslshKkdepBplusjg==>

4319.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==>

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4319.12 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==>

4319.12-E(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==>

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4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tcIUJDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlXmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87II1DiM4BuNlpmMp4jw==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qk9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapulusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPpk58A==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYicbKYg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXsRw6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==

5145.71 Title IX Sexual Harassment Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==>

5145.71-E PDF(1) Title IX Sexual Harassment Complaint Procedures -
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5145.9 Hate-Motivated Behavior -
<https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==>

6145.2 Athletic Competition -
<https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==>

6145.2 Athletic Competition -
<https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==>

6162.54 Test Integrity/Test Preparation -
<https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==>

9000 Role Of The Board -
<https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==>

9321 Closed Session -
<https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==>

9321-E PDF(1) Closed Session -
<https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==>

9321-E PDF(2) Closed Session -
<https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==>

Policy 4119.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

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

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

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

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

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

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

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

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

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

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to

control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

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

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

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

State References

CA Constitution Article 1, Section 1

Ed. Code 200-262.4

Ed. Code 44040

Ed. Code 44110-44114

Ed. Code 48907

Ed. Code 48950

Ed. Code 49091.24

Ed. Code 7050-7058

Gov. Code 12650-12656

Gov. Code 12940-12953

Gov. Code 3540.1

Gov. Code 3543.5

Gov. Code 815.3

Gov. Code 820-823

Gov. Code 825.6

Lab. Code 1102.5-1106

Description

Inalienable rights

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Discrimination based on employee's appearance before certain boards or committees

Reporting by school employees of improper governmental activity

Exercise of free expression; time, place and manner rules and regulations

Speech and other communication

Teacher rights to refuse evaluation/survey of personal life

Political activities of school officers and employees

False claims actions

Discrimination prohibited; unlawful practices

Public employment; definitions

Interference with employee's rights prohibited

Intentional torts

Tort claims act

Indemnification of public entity

Whistleblower protections

Federal References

18 USC 16

20 USC 1681-1688

20 USC 7941-7948

Description

Crime of violence; definition

Title IX of the Education Amendments of 1972; discrimination based on sex

Teacher liability protection

42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

	Description
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfefvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfvdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWRpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==

4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhIvWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXj00g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6Ihj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAI0eLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplusQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQsqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==

4236 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4240 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwooVA==>

4319.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==>

4319.21-E(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==>

4319.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==>

4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==>

4332 Publication or Creation of Materials -
<https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==>

4336 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYyNIaK0RA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/35PWlyWDSzcCYbz2slshslshaWog==>

9260 Legal Protection -
<https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplusg==>

Policy 4140: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement
8 CCR 34055	Reinstatement of organizational security arrangement
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management position; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
Gov. Code 6254.3	Disclosure of employee contact information to employee organization
Gov. Code 6503.5	Joint powers agencies

Description

Federal References

8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Description

Management Resources References

Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==

Description

Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIl_gcL_PJYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B211rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWplusJ20aXCvNApQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JlsC6OnRyofY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzwmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFz8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSVtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmuj4J0iqDWVVDL3OkzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYVw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUJZIVfhoVlrAWtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMfBAX0vQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==>

9321-E PDF(1)

Closed Session -

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9321-E PDF(2)

Closed Session -

<https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==>

Regulation 4161.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or

designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting

the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of

unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 1, Section 8
 Ed. Code 44036-44037
 Ed. Code 44963
 Ed. Code 44981
 Ed. Code 44985
 Ed. Code 44987
 Ed. Code 44987.3
 Ed. Code 45190
 Ed. Code 45194
 Ed. Code 45198
 Ed. Code 45207
 Ed. Code 45210
 Ed. Code 45240-45320
 Evid. Code 1035.2
 Evid. Code 1037.1
 Fam. Code 297-297.5
 Gov. Code 12945.1-12945.2
 Gov. Code 3543.1
 Lab. Code 1500-1507
 Lab. Code 230-230.2
 Lab. Code 230.3
 Lab. Code 230.4
 Lab. Code 230.8
 Lab. Code 233
 Lab. Code 234
 Lab. Code 246.5
 M&V Code 395.10
 Pen. Code 1192.7
 Pen. Code 667.5

Description

Religious discrimination - <https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==>
 Leaves of absence for judicial and official appearances
 Power to grant leaves of absence; certificated
 Leave of absence for personal necessity
 Leave of absence due to death in immediate family; certificated
 Service as officer of employee organization; certificated
 Leave of absence to serve on certain boards, commissions, etc.
 Leaves of absence and vacations; classified
 Bereavement leave of absence; classified
 Effect of provisions authorizing leaves of absence
 Personal necessity; classified
 Service as officer of employee organization; classified
 Merit system
 Sex assault counselor; definition
 Domestic violence counselor; definition
 Rights, protections, benefits under the law; registered domestic partners
 California Family Rights Act
 Rights of employee organizations
 Civil Air Patrol leave
 Leaves for victims of domestic violence, sexual assault or specified felonies
 Leave for emergency personnel
 Leave for volunteer firefighters
 Time off to visit child's school
 Illness of child, parent, spouse or domestic partner
 Absence control policy
 Paid sick days; purposes for use
 Leave when spouse on leave from military deployment
 Plea bargaining limitation
 Prior prison terms; enhancement of prison terms

Federal References

29 USC 2601-2654
 42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
 Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision
 Public Employment Relations Board Decision
 Website

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
 Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Cross References

Description

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28pluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcv==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4IWhd7tg==

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==>

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==>

4243 Negotiations/Consultation -
<https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==>

4261 Leaves -
<https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==>

4261.1 Personal Illness/Injury Leave -
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4261.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==>

4312.9 Employee Notifications -
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4312.9-E(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==>

4312.9-E PDF(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/E2T0lpogkDECpTZGFtslshdMQ==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKglwUOQ==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==>

4361.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==>

4361.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==>

Regulation 4161.5: Military Leave

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended

to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Cross References**Description**

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjz==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtPjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==

Policy 4216: Probationary/Permanent Status

Status: ADOPTED

Original Adopted Date: 06/01/1996 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

However, in order to receive permanent classified service status, a full-time district police officer or public safety dispatcher who operates a dispatch center certified by the Commission on Peace Officer Standards and Training shall serve in a probationary status for not less than one year from the date of appointment. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The district may, without cause, dismiss a new employee during the probationary period.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which the employee was promoted. (Education Code 45113, 45301)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

State References

Description

- | | |
|----------------------|---|
| Ed. Code 45113 | Notification of charges; classified employees |
| Ed. Code 45240-45320 | Merit system |

Management Resources References

Description

- | | |
|---------|---|
| Website | CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ== |
| Website | California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg== |

Cross References

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- | | |
|--------|--|
| 3515.3 | District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw== |
| 3515.3 | District Police/Security Department - https://simbli.eboardsolutions.com/SU/11J1QKjZow3q8v7pZhTCDQ== |
| 4112.9 | Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvfw== |

4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslshzAQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAI0eLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQIb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==

Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, or administrative regulation.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

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

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

Permanent classified employees shall be subject to disciplinary action only for cause as specified in the accompanying administrative regulation. (Education Code 45113)

Procedures for Serious Disciplinary Proceedings

The Superintendent or designee shall develop disciplinary procedures for use when dismissal, suspension, demotion, involuntary reassignment, or other serious disciplinary action is contemplated against an employee. The procedures for such discipline shall include an opportunity for an employee for whom any such disciplinary action is recommended to meet with, or respond in writing to, a designated district official ("Skelly officer") who will determine whether the recommended discipline should proceed further or be modified or withdrawn.

After meeting with the employee or considering the employee's written response, if the Skelly officer determines that the recommended discipline should proceed, the Superintendent or designee shall send the employee a notice of the recommended disciplinary action, a statement of charges, and the results of the Skelly hearing. The notice shall include a statement advising the employee of the right to request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board. (Education Code 45113, 45312)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

Following the hearing or, if the employee has not requested a hearing, after reviewing the Superintendent or designee's recommendation for disciplinary action, the Board shall affirm, modify, or reject the recommended disciplinary action. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

Except for an allegation of egregious misconduct in which a minor is involved, the Board may delegate the authority to determine whether sufficient cause exists for disciplinary action to an impartial third-party hearing officer. When a matter is heard by a third-party hearing officer, the Board shall review the determination and adopt or reject the recommended decision. (Education Code 45113)

When any matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. In such cases, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

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

State References	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons

Veh. Code 1808.8

School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213

Description

Americans with Disabilities Act

U.S. Constitution

Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Court Decision

California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391

Court Decision

CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150

Court Decision

Skelly v. California Personnel Board (1975) 15 Cal.3d 194

Website

Office of the Attorney General -

<https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>

Website

Office of Administrative Hearings -

<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==>

Website

Department of General Services, About Teacher Dismissal Case Type -

<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrLeA==>

Website

CSBA District and County Office of Education Legal Services -

<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Cross References

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1114

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQsG==>

1114

District-Sponsored Social Media -

<https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==>

1312.1

Complaints Concerning District Employees -

<https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==>

1312.1

Complaints Concerning District Employees -

<https://simbli.eboardsolutions.com/SU/ZCplusqf8OJfvdSVEdfwjAA==>

1312.3

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==>

1312.3

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmbxODX9gY2A==>

1312.3-E PDF(1)

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==>

1312.3-E PDF(2)

Uniform Complaint Procedures -

<https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==>

3230

Federal Grant Funds -

<https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==>

3230

Federal Grant Funds -

<https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==>

3512

Equipment -

<https://simbli.eboardsolutions.com/SU/ezsIshZHMnYpluscHnfpO2vztUslshg==>

3512-E(1)

Equipment -

<https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==>

3513.3

Tobacco-Free Schools -

<https://simbli.eboardsolutions.com/SU/YcXDCKQsxwpNcLpvl3ATIA==>

3513.3

Tobacco-Free Schools -

<https://simbli.eboardsolutions.com/SU/PDOMCVslshDCYPHDWjcAvbVoQ==>

3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhtCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIIktBcZcF8v5agg==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLEpluszfCyvw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStkTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHP6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZnpZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOkrYP8gplusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzI2vjW3Eg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42EIpIyuEXBil5SctVQ==

4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUuDw0YFjvy2R0xQg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSslf4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpizrJrsafrxuBrElcbGnA==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerFQ==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVtQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/pCyFLiyDAxQFkxkHhUbSHFA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshlKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
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4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==
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4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNgn2LFslshDzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3ssslshZJNNbv4WlamsEWM4pQ==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/VEmAxwF6VTwEh7mmLHH7xg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiIWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==
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4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/gh6il9tkxViyly74pfsyvg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==

4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGsvtT8tew==
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4257	Employee Safety - https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==
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4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRIm84fA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
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4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfvliiFg1dcww==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==
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4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tcIULDJ5tC01jFJvlegqoA==

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4358 Employee Security - <https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==>

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4361 Leaves - <https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==>

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4361.11 Industrial Accident/Illness Leave - <https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==>

5145.3 Nondiscrimination/Harassment - <https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXsRw6Y27Q==>

5145.3 Nondiscrimination/Harassment - <https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==>

5145.7 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==>

5145.7 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==>

5145.71 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==>

5145.71-E PDF(1) Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==>

5145.9 Hate-Motivated Behavior - <https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==>

6145.2 Athletic Competition - <https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==>

6145.2 Athletic Competition - <https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==>

6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FF4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Causes for Disciplinary Action

A permanent classified employee may be subject to suspension, demotion, involuntary reassignment, or dismissal for one or more of the following causes:

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position
14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job
16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

No disciplinary action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the district. (Education Code 45113)

Initiation and Notification of Charges

The Superintendent or designee shall provide notice to the employee of a recommendation for discipline, which includes the charges and materials upon which the recommendation is based. The notification shall identify an impartial district official ("Skelly officer") with whom the employee may meet at a specified time and place or to whom the employee may provide a written response to the recommendation of discipline. After meeting with the employee or considering any response from the employee, the Skelly officer shall recommend to the Superintendent or designee whether to proceed with the recommendation for discipline.

The Superintendent or designee shall file any final recommendation for a disciplinary action in writing with the Governing Board. A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address.

The notice shall, in ordinary and concise language, inform the employee of the specific charge(s) or cause(s) for the disciplinary action, the specific acts and omissions upon which the action is based, and, if applicable, the district rule or regulation that the employee has allegedly violated. In addition, the notice shall include the employee's right to a hearing on those charges, the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper which the employee may sign and file to deny the charges and request a hearing. (Education Code 45113, 45116)

Request for Board Hearing

Within the time specified in the notice of the recommendation of disciplinary action, the employee may request a hearing on the charges by signing and filing the card or paper included with the notice. (Education Code 45113)

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Hearing

A classified employee against whom a recommendation of disciplinary action has been issued shall remain on active duty status pending any hearing on the charges, unless the Superintendent or designee determines that the employee's continuance in active duty would present an unreasonable risk of harm to students, staff, or property. The Superintendent or designee may, in writing, order the employee immediately suspended from duty without pay and shall state the reasons that the suspension is deemed necessary. The suspension order shall be served upon the employee either personally or by registered or certified mail, return receipt requested, immediately after issuance.

Compulsory Leave of Absence

Upon being informed by law enforcement that a classified employee has been charged with a "mandatory leave of absence offense," the Superintendent or designee shall immediately place the employee on a leave of absence. A mandatory leave of absence offense includes:

1. Any sex offense as defined in Education Code 44010
2. Violation or attempted violation of Penal Code 187 prohibiting murder or attempted murder
3. Any offense involving the unlawful sale, use, or exchange to minors of controlled substances as listed in Health and Safety Code 11054, 11055, and 11056

The Superintendent or designee may place on an immediate compulsory leave of absence a classified employee who is charged with an "optional leave of absence offense," defined as a controlled substance offense specified in

Education Code 44011 and Health and Safety Code 11357-11361, 11363, 11364, and 11370.1 except as it relates to marijuana, mescaline, peyote, or tetrahydrocannabinols.

An employee's compulsory leave for a mandatory or optional leave of absence offense may extend for not more than 10 days after the entry of judgment in the criminal proceedings. However, the compulsory leave may be extended if the Board gives notice, within 10 days after the entry of judgment in the proceedings, that the employee will be dismissed within 30 days from the date of service of the notice unless the employee demands a hearing on the dismissal.

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

State References

	Description
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

	Description
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Cross References**Description**

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDckQsxpNclpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2FjxUVQ==
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3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/lVIK9slshAlIkTbcZcF8v5agg==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLepuszfCyvw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
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4159 Employee Assistance Programs -
<https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/EEEXMgObslshqslshiKqtJJUX7vSg==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

4161.11 Industrial Accident/Illness Leave -
<https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==>

4200 Classified Personnel -
<https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==>

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4212 Appointment And Conditions Of Employment -
<https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==>

4212.42 Drug And Alcohol Testing For School Bus Drivers -
<https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==>

4212.42 Drug And Alcohol Testing For School Bus Drivers -
<https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==>

4212.5 Criminal Record Check -
<https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==>

4212.5-E(1) Criminal Record Check -
<https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==>

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4213.5 Working Remotely -
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4216 Probationary/Permanent Status -
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4219.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/qlnWNgN2LFslshDzTCLslsh592A==>

4219.12 Title IX Sexual Harassment Complaint Procedures - <https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==>

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4219.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==>

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4219.22 Dress And Grooming - <https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiWdyg8jPUA==>

4219.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==>

4219.24 Maintaining Appropriate Adult-Student Interactions - <https://simbli.eboardsolutions.com/SU/5jMxddsishCGQnzslshENYSWHWA==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==>

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4227 Temporary Athletic Team Coaches - <https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==>

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4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==
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4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==
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4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87l1DiM4BuNlpmMp4jw==
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4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==

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5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
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5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
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5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
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6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
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Policy 4218.1: Dismissal/Suspension/Disciplinary Action (Merit System)

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board expects all employees to perform their jobs satisfactorily and exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, any applicable collective bargaining agreement, and the rules of the personnel commission.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. An employee's private exercise of personal beliefs and activities, including religious, political, cultural, social, or other beliefs or activities, or lack thereof, shall not be grounds for disciplinary action against the employee, provided that the beliefs or activities do not involve coercion of students or any other violation of law, Board policy, or administrative regulation.

In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

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

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

A permanent classified employee shall be subject to suspension, demotion, or dismissal only for one or more of the causes designated by rule of the personnel commission. (Education Code 45302, 45304)

When such serious disciplinary action is being contemplated against an employee, the district shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated district official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the district's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

However, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a witness who is a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. The ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45312)

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

State References

Description

CA Constitution Article 1, Section 1

Inalienable rights

Civ. Code 1286.2

Grounds for vacating decision of arbitrator - <https://simbli.eboardsolutions.com/SU/l83sAV1PToNrlj4NXUbb8Q==>

Ed. Code 11500-11506

Programs to encourage parent involvement - <https://simbli.eboardsolutions.com/SU/wKyoGhsy1ENTUaG49NVwoA==>

Ed. Code 35161

Board delegation of any powers or duties

Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 44990-44994	Testimony of minor witnesses at dismissal or suspension hearings
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45124	Dismissal of sexual psychopath
Ed. Code 45202	Transfer of accumulated sick leave and other benefits
Ed. Code 45240-45320	Merit system
Ed. Code 45302-45307	Suspension, dismissal, or other disciplinary action; classified employees
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 54957	Complaints against employees; right to open session
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
Pen. Code 830.32	School district and community college police
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

42 USC 12101-12213
U.S. Constitution

Description

Americans with Disabilities Act
Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

CA School Personnel Comm Association
Publication
Court Decision
Court Decision
Court Decision
Court Decision

Description

Merit Rules and Regulations: CSPCA Recommended Personnel Policies and
Procedures Manual for California School Merit Systems, 2014
Kennedy v. Bremerton (2022) 142 S.Ct. 2407
California School Employees Association v. Personnel Commission (1970) 3
Cal.3d 139
California School Employees Association v. Bonita Unified School District
(2008) No. B200141
California School Employees v. Livingston Union School District (2007) 149
Cal. App. 4th 391

Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14lJrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California School Personnel Commissioners Association - https://simbli.eboardsolutions.com/SU/67J2ZGIOTPLIPkJLPNZBKQ==

Cross References

Description

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfVQyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfvdSVEdfwjAA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO711TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVI8pLyA79vr9rhw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
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4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
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4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSlf4Q==

4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzwmwtp8Du1J7fxoGg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
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4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
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4319.24

Maintaining Appropriate Adult-Student Interactions -

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Policy 4219.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

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

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

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

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

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

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

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

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

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

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to

control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

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

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

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

State References

CA Constitution Article 1, Section 1

Ed. Code 200-262.4

Ed. Code 44040

Ed. Code 44110-44114

Ed. Code 48907

Ed. Code 48950

Ed. Code 49091.24

Ed. Code 7050-7058

Gov. Code 12650-12656

Gov. Code 12940-12953

Gov. Code 3540.1

Gov. Code 3543.5

Gov. Code 815.3

Gov. Code 820-823

Gov. Code 825.6

Lab. Code 1102.5-1106

Description

Inalienable rights

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Discrimination based on employee's appearance before certain boards or committees

Reporting by school employees of improper governmental activity

Exercise of free expression; time, place and manner rules and regulations

Speech and other communication

Teacher rights to refuse evaluation/survey of personal life

Political activities of school officers and employees

False claims actions

Discrimination prohibited; unlawful practices

Public employment; definitions

Interference with employee's rights prohibited

Intentional torts

Tort claims act

Indemnification of public entity

Whistleblower protections

Federal References

18 USC 16

20 USC 1681-1688

20 USC 7941-7948

Description

Crime of violence; definition

Title IX of the Education Amendments of 1972; discrimination based on sex

Teacher liability protection

42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

	Description
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfVqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfvdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWRpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkSlsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==

4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhIvWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXj0Gg==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6Ihj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAI0eLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplusQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQsqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==

4236 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4240 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==>

4244 Complaints -
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4319.21 Professional Standards -
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4319.21-E(1) Professional Standards -
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4319.21-E PDF(1) Professional Standards -
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4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==>

4332 Publication or Creation of Materials -
<https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==>

4336 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYyNIaKORA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/35PWlyWDSzcCYbz2slshslshaWog==>

9260 Legal Protection -
<https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplusg==>

Policy 4240: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement
8 CCR 34055	Reinstatement of organizational security arrangement
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management position; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
Gov. Code 6254.3	Disclosure of employee contact information to employee organization
Gov. Code 6503.5	Joint powers agencies

Description

Federal References

8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Description

Management Resources References

Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==

Description

Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYBdPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIl_gclPJYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B211rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWplusJ20aXCvNAPQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JlsC6OnRyofY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFz8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==

4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSVtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmuj4J0iqDWVVDL3OkzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYVw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUJZIVfhoVlrAWtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==
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4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMfBAX0vQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==>

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==>

9321-E PDF(2)

Closed Session -

<https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==>

Regulation 4261.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or

designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting

the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of

unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 1, Section 8
 Ed. Code 44036-44037
 Ed. Code 44963
 Ed. Code 44981
 Ed. Code 44985
 Ed. Code 44987
 Ed. Code 44987.3
 Ed. Code 45190
 Ed. Code 45194
 Ed. Code 45198
 Ed. Code 45207
 Ed. Code 45210
 Ed. Code 45240-45320
 Evid. Code 1035.2
 Evid. Code 1037.1
 Fam. Code 297-297.5
 Gov. Code 12945.1-12945.2
 Gov. Code 3543.1
 Lab. Code 1500-1507
 Lab. Code 230-230.2
 Lab. Code 230.3
 Lab. Code 230.4
 Lab. Code 230.8
 Lab. Code 233
 Lab. Code 234
 Lab. Code 246.5
 M&V Code 395.10
 Pen. Code 1192.7
 Pen. Code 667.5

Description

Religious discrimination - <https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==>
 Leaves of absence for judicial and official appearances
 Power to grant leaves of absence; certificated
 Leave of absence for personal necessity
 Leave of absence due to death in immediate family; certificated
 Service as officer of employee organization; certificated
 Leave of absence to serve on certain boards, commissions, etc.
 Leaves of absence and vacations; classified
 Bereavement leave of absence; classified
 Effect of provisions authorizing leaves of absence
 Personal necessity; classified
 Service as officer of employee organization; classified
 Merit system
 Sex assault counselor; definition
 Domestic violence counselor; definition
 Rights, protections, benefits under the law; registered domestic partners
 California Family Rights Act
 Rights of employee organizations
 Civil Air Patrol leave
 Leaves for victims of domestic violence, sexual assault or specified felonies
 Leave for emergency personnel
 Leave for volunteer firefighters
 Time off to visit child's school
 Illness of child, parent, spouse or domestic partner
 Absence control policy
 Paid sick days; purposes for use
 Leave when spouse on leave from military deployment
 Plea bargaining limitation
 Prior prison terms; enhancement of prison terms

Federal References

29 USC 2601-2654
 42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
 Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision
 Public Employment Relations Board Decision
 Website

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
 Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Cross References

	Description
2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwc2CzN850A==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcv==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4IWhd7tg==

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==>

4241.6 Concerted Action/Work Stoppage -
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4243 Negotiations/Consultation -
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4258 Employee Security -
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4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==>

4261 Leaves -
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4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==>

4261.1 Personal Illness/Injury Leave -
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4261.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==>

4312.9 Employee Notifications -
<https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==>

4312.9-E(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==>

4312.9-E PDF(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/E2T0lpogkDECpTZGFtslshdMQ==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKglwUOQ==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==>

4361.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==>

4361.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==>

Regulation 4261.5: Military Leave

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended

to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Cross References**Description**

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcv==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtPjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==

Policy 4319.1: Civil And Legal Rights

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

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

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

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

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

When necessary to protect the health, welfare, or safety of students and staff, school officials may search district property under an employee's control.

Whistleblower Protection

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

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.7, 1102.8)

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

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

Protection Against Liability

No employee shall be liable for harm caused by the employee's act or omission when acting within the scope of employment or district responsibilities, the employee's act or omission is in conformity with federal, state, and local laws, district policy, or administrative regulation, and the employee's act or omission is in furtherance of an effort to

control, discipline, expel, or suspend a student or to maintain order or control in the classroom or school. (20 USC 7946)

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

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

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

State References

CA Constitution Article 1, Section 1

Ed. Code 200-262.4

Ed. Code 44040

Ed. Code 44110-44114

Ed. Code 48907

Ed. Code 48950

Ed. Code 49091.24

Ed. Code 7050-7058

Gov. Code 12650-12656

Gov. Code 12940-12953

Gov. Code 3540.1

Gov. Code 3543.5

Gov. Code 815.3

Gov. Code 820-823

Gov. Code 825.6

Lab. Code 1102.5-1106

Description

Inalienable rights

Prohibition of discrimination -

<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Discrimination based on employee's appearance before certain boards or committees

Reporting by school employees of improper governmental activity

Exercise of free expression; time, place and manner rules and regulations

Speech and other communication

Teacher rights to refuse evaluation/survey of personal life

Political activities of school officers and employees

False claims actions

Discrimination prohibited; unlawful practices

Public employment; definitions

Interference with employee's rights prohibited

Intentional torts

Tort claims act

Indemnification of public entity

Whistleblower protections

Federal References

18 USC 16

20 USC 1681-1688

20 USC 7941-7948

Description

Crime of violence; definition

Title IX of the Education Amendments of 1972; discrimination based on sex

Teacher liability protection

42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
U.S. Constitution	Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Garcetti v. Ceballos (2006) 547 U.S. 410
Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

	Description
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfefvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfvdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpzYbttZOPNWRpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dshshuyFrpXYhjStKTrQw==

4040-E(1) Employee Use Of Technology - <https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==>

4040-E PDF(1) Employee Use Of Technology - <https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==>

4118 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhIvWdeWA==>

4118 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==>

4119.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==>

4119.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==>

4119.21-E PDF(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXj00g==>

4119.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==>

4119.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==>

4119.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==>

4132 Publication Or Creation Of Materials - <https://simbli.eboardsolutions.com/SU/A6Ihj3LSheVqArWU9OaXjA==>

4136 Nonschool Employment - <https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==>

4140 Bargaining Units - <https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==>

4144 Complaints - <https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==>

4144 Complaints - <https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==>

4218 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAI0eLA==>

4218 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==>

4218.1 Dismissal/Suspension/Disciplinary Action (Merit System) - <https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==>

4219.21 Professional Standards - <https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplusQbA==>

4219.21-E(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==>

4219.21-E PDF(1) Professional Standards - <https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==>

4219.23 Unauthorized Release Of Confidential/Privileged Information - <https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQsqTDILbw==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==>

4232 Publication or Creation of Materials - <https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==>

4236 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4240 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==>

4244 Complaints -
<https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwooVA==>

4319.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==>

4319.21-E(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==>

4319.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==>

4319.23 Unauthorized Release Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==>

4319.25 Political Activities Of Employees -
<https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==>

4332 Publication or Creation of Materials -
<https://simbli.eboardsolutions.com/SU/GlslshGwQt15nlsUrEfg1bgaA==>

4336 Nonschool Employment -
<https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYyNIaK0RA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/35PWlyWDSzcCYbz2slshslshaWog==>

9260 Legal Protection -
<https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplusg==>

Policy 4340: Bargaining Units

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board recognizes the right of district employees to form a bargaining unit and to select an employee organization as the exclusive representative to represent the employees in the employees' employment relationship with the district. The Board is committed to negotiating in good faith with recognized employee organizations and respecting the rights of employees and employee organizations.

The district shall not dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. (Government Code 3543.5)

Employees shall not be prohibited from wearing union buttons or other items that favor or oppose the formation of a bargaining unit or any matter that is the subject of negotiations.

Formation of Bargaining Units

Certificated and classified employees shall not be included in the same bargaining unit. (Government Code 3545)

A bargaining unit of supervisory employees may be recognized if the bargaining unit includes all supervisory employees and is not represented by an employee organization that represents district employees who are supervised by the supervisory employees. (Government Code 3545)

For this purpose, supervisory employee means any employee, regardless of job description, having authority, in the interest of the district, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to, direct, or adjust grievance of other employees, or effectively recommend that action, when the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 3540.1)

Employees serving in management, senior management, or confidential positions shall not be represented by an exclusive representative. In the employment relationship with the district, such employees may represent themselves or be represented by an employee organization whose membership is composed entirely of employees designated as holding those positions. An employee organization representing management or confidential employees shall not be permitted to meet and negotiate with the district on behalf of the employees. (Government Code 3543.4)

Management employee means any employee who has significant responsibilities for formulating district policies or administering district programs, and whose position is designated as a management position by the Board. (Government Code 3540.1)

Confidential employee means any employee who is required to develop or present management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. (Government Code 3540.1)

Membership

The district shall not deter or discourage employees or job applicants from becoming or remaining members of an employee organization, authorizing representation by an employee organization, or authorizing dues or fee deductions to an employee organization. In addition, the district shall not impose or threaten to impose reprisals on employees, discriminate or threaten to discriminate against employees, or otherwise interfere with, restrain, or coerce employees because of their membership or nonmembership in an employee organization. (Government Code 3543.5, 3550)

The Superintendent or designee may communicate with district employees regarding their rights under the law. Such communications shall be factual and accurate, and may not promise a benefit, threaten a reprisal, or in any way deter or discourage employees from joining an employee organization or paying dues.

However, before disseminating to multiple employees any mass communication concerning employees' right to join or support an employee organization or to refrain from joining or supporting an employee organization, such as a written document or script for oral or recorded presentation or message, the Superintendent or designee shall meet and confer with the employees' exclusive representative regarding the content of the communication. If the district and exclusive representative do not come to agreement on the content of the mass communication, the Superintendent or designee may disseminate the district's mass communication, provided that at the same time, copies of the exclusive representative's communication, which shall be of reasonable length, are also distributed. (Government Code 3553)

Access to New Employee Orientations

The district shall permit employee organizations access to new employee orientation or onboarding process where newly hired employees are advised, whether in person, online, or through other means or mediums, of their employment status, rights, benefits, duties, responsibilities, or any other employment-related matters. The district shall provide employee organizations at least 10 days' notice in advance of an orientation, except that a shorter notice may be provided if an unforeseeable, urgent need critical to the district's operation prevents the required 10 days' notice. (Government Code 3555.5, 3556)

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation shall be subject to compulsory interest arbitration. The district and employee organization may mutually agree to submit any dispute to compulsory interest arbitration at any time. In addition, if any dispute arises during negotiations and is not resolved within 45 days after the first meeting or within 60 days after the initial request to negotiate, whichever is earlier, either party may make a demand for compulsory interest arbitration. When any such dispute arises during the summer when the district's administrative office is closed, the timeline shall commence on the first day the administrative office reopens. The decision of the arbitrator shall be final and binding on the parties. (Government Code 3556, 3557)

The date, time, and place of a new employee orientation shall not be disclosed to anyone other than employees, the exclusive representative, or a vendor that is contracted to provide a service for purposes of the orientation. (Government Code 3556)

Until June 30, 2025, in addition to above provisions regarding new employee orientations, the district shall ensure the following: (Government Code 3556)

1. When an inperson new employee orientation has not been conducted within 30 days of hiring any new employee who is working in person, the Superintendent or designee shall permit the exclusive representative to schedule an inperson meeting which newly hired employees shall have an opportunity to attend, at the employee's worksite and during employment hours. Each newly hired employee within the bargaining unit shall be provided at least 30 minutes of paid time to attend the meeting.

Upon the request of an exclusive representative scheduling such an inperson meeting, the Superintendent or designee shall provide an appropriate on-site meeting space within seven days of receiving the exclusive representative's request.

2. When, by reason of a state or local public health order limiting the size of gatherings, the district is prohibited from organizing a new employee orientation, an exclusive representative may schedule multiple meetings to ensure that newly hired employees have an opportunity to attend without exceeding the maximum allowable number of people.

Access to Employee Contact Information

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent

or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

However, the Superintendent or designee shall not disclose the home address and any phone numbers on file for employees performing law enforcement-related functions, nor disclose the home address, home or personal cell phone number(s), or personal email address(es) of any employee who is a participant in the Safe at Home address confidentiality program pursuant to Government Code 6207 or of any employee who provides a written request that the information not be disclosed to the exclusive representative. Following receipt of a written request, the district shall remove the employee's home address, home and personal cell phone numbers, and personal email address from any mailing list maintained by the district unless the list is only used by the district to contact the employee. (Government Code 3558, 6207, 6254.3)

Within 20 calendar days after an exclusive representative notifies the Superintendent or designee that a list of employees provided by the district is inaccurate or incomplete, the Superintendent or designee shall take steps to correct the list and provide a new list of employees to the exclusive representative. (Government Code 3558)

At least, at the beginning of each school year, the Superintendent or designee shall review the list of district employees to ensure that the list is complete and contains accurate information.

Communications with Employees

Employee organizations may have access at reasonable times to areas in which employees work and may use district facilities at reasonable times for the purpose of meetings. Subject to reasonable regulation, employee organizations may also use institutional bulletin boards, mailboxes, and other means of communication to communicate with employees. (Government Code 3543.1)

Access to district means of communication shall be limited in cases where such access would be disruptive to district operations.

Membership Dues or Other Payments to an Employee Organization

When drawing an order for the salary or wage payment of a bargaining unit employee of an employee organization, the district shall deduct any amount which has been requested by the employee in a revocable written authorization for the purpose of paying dues or other payments for any service, program, or committee provided or sponsored by the employee organization. (Education Code 45060, 45168)

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

When an employee organization which has declined to certify that it will handle and process employee written authorizations makes a request for payroll deductions, the district shall request a copy of the employee's written authorization before making the payroll deductions. (Education Code 45060, 45168)

A written authorization shall remain in effect until expressly revoked in writing by the employee and pursuant to the terms of the written authorization. Employee requests to cancel or change authorizations for payroll deductions for employee organizations shall be directed to the employee organization rather than the district. The employee organization shall be responsible for processing these requests. The district shall rely on the information provided by the employee organization regarding whether deductions for an employee organization were properly canceled or changed. The employee organization shall be required to indemnify the district for any claims made by an employee for deductions made by the district in reliance on information from the employee organization. (Education Code 45060, 45168)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

8 CCR 33015-33490	Recognition of exclusive representative; proceedings
8 CCR 33700-33710	Severance of established unit
8 CCR 34020	Petition to rescind organizational security arrangement
8 CCR 34055	Reinstatement of organizational security arrangement
Ed. Code 45060-45061.5	Deduction of fees from salary or wage payment; certificated employees
Ed. Code 45100.5	Senior classified management positions
Ed. Code 45104.5	Abolishment of senior classified management positions
Ed. Code 45108.5	Definition of senior classified management employees
Ed. Code 45108.7	Waiver of provisions of 45108.5
Ed. Code 45168	Deduction of fees from salary or wage payment; classified employees
Ed. Code 45220-45320	Merit system; classified employees
Gov. Code 3540-3549.3	Educational Employment Relations Act
Gov. Code 3540.1	Public employment; definitions
Gov. Code 3543.4	Management position; representation
Gov. Code 3545	Appropriateness of unit; basis
Gov. Code 3550-3552	Prohibition on public employers deterring or discouraging union membership
Gov. Code 3555-3559	Public employee communication, information and orientation
Gov. Code 53260-53264	Employment contracts
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
Gov. Code 6254.3	Disclosure of employee contact information to employee organization
Gov. Code 6503.5	Joint powers agencies

Description

Federal References

8 CFR 33015-33490	Recognition of exclusive representative; proceedings
8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Description

Management Resources References

Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==

Description

Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIl_gclPJYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B211rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWplusJ20aXCvNApQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JlsC6OnRyofY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xyypEMfw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFz8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==>

4154 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==>

4161.2 Personal Leaves - <https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==>

4219.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==>

4219.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==>

4241 Collective Bargaining Agreement - <https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

4243 Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

4251 Employee Compensation - <https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusrGxQ==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==>

4254 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/4MRmuj4J0iqDWVVDL3OkzA==>

4261.2 Personal Leaves - <https://simbli.eboardsolutions.com/SU/uEkwbwYVw5nplus48h2ZcgRMw==>

4300 Administrative And Supervisory Personnel - <https://simbli.eboardsolutions.com/SU/LFXzXmpvUJZIVfhoVlrAWtQ==>

4300 Administrative And Supervisory Personnel - <https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==>

4301 Administrative Staff Organization - <https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==>

4312.1 Contracts - <https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

4315 Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==>

4319.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==>

4319.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==>

4319.25 Political Activities Of Employees - <https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==>

4351 Employee Compensation - <https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==>

4354 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==>

4354 Health And Welfare Benefits - <https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMfBAX0vQ==>

4361.2 Personal Leaves - <https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==>

9000 Role Of The Board - <https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==>

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==>

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==>

9321-E PDF(2)

Closed Session -

<https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==>

Regulation 4361.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

Personal leaves granted to district employees shall be used as permitted in this administrative regulation, other Board-approved policy or district regulation, or applicable collective bargaining agreement.

For the purpose of any personal leave offered pursuant to state law, a registered domestic partner shall have the same rights, protections, and benefits as a spouse and any protections provided to a spouse's child shall also apply to a child of a registered domestic partner. (Family Code 297.5)

Whenever possible, employees shall request personal leaves in advance and prepare suitable instructions, including lesson plans as applicable, for a substitute employee.

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (Education Code 44985, 45194)

Members of an employee's immediate family include: (Education Code 44985, 45194)

1. The mother, mother-in-law, father, father-in-law, grandmother, grandfather, or grandchild of the employee or of the employee's spouse
2. The employee's spouse, son, son-in-law, daughter, daughter-in-law, brother, or sister
3. Any relative living in the employee's immediate household

At the employee's request, bereavement leave may be extended under personal necessity leave provisions as provided in the section "Personal Necessity" below. (Education Code 44981, 45207)

Personal Necessity

Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)
3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)
4. A classified employee's appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or other order (Education Code 45207)
5. Fire, flood, or other immediate danger to the home of the employee
6. Personal business of a serious nature which the employee cannot disregard

Leave for personal necessity may be allowed for other reasons at the discretion of the Superintendent or designee. However, personal necessity leave shall not be granted for purposes of personal convenience, for the extension of a holiday or vacation, or for matters which can be taken care of outside of working hours. The Superintendent or

designee shall have final discretion as to whether a request reflects personal necessity.

Advance permission shall not be required of an employee in any case involving the death of a member of the employee's immediate family, an accident involving the employee's person or property or the person or property of a member of the employee's immediate family, or the illness, preventive care, or other need of a member of the employee's family. (Education Code 44981, 45207)

For any leave that is planned, or for which the need is foreseeable, an employee shall notify the Superintendent or designee in advance. In all other circumstances, the employee shall notify the Superintendent or designee of the need for the leave as soon as practicable.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed district absence form to the employee's immediate supervisor.

Leave to Perform Legal Duties

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness

Notices, summons, and subpoenas for court appearances shall be submitted to the district office when requesting leave.

A classified employee called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury fees. (Education Code 44037)

A certificated employee who is called for jury duty also shall be granted leave with pay up to the difference between the employee's regular earnings and any jury fees received. (Education Code 44036)

An employee shall be granted leave with pay to appear in court as a witness other than a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such an employee shall receive the difference between the employee's regular earnings and any witness fees received. (Education Code 44036)

Leaves for Crime Victims for Judicial Proceedings

An employee who is a victim of a crime or an immediate family member, registered domestic partner, or child of a registered domestic partner of such victim may be absent from work in order to attend related judicial proceedings, if the crime is any of the following: (Labor Code 230.2)

1. A violent felony as defined in Penal Code 667.5(c)
2. A serious felony as defined in Penal Code 1192.7(c)
3. A felony provision of law proscribing theft or embezzlement

For these purposes, the employee may use vacation, personal leave, personal illness/injury leave, unpaid leave, or compensatory time off that is otherwise available to the employee. (Labor Code 230.2)

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting

the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

The district shall keep confidential any records pertaining to the employee's absence from work by reason of this leave. (Labor Code 230.2)

Leaves for Victims of Crime or Abuse

An employee who is a victim of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury or an employee whose immediate family member, as defined, is deceased as the direct result of a crime may use vacation, sick leave, personal leave, or compensatory time off that is otherwise available to the employee to attend to the following activities: (Labor Code 230, 230.1, 246.5)

1. Obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief to help ensure the health, safety, or welfare of the employee or the employee's child
2. Seek medical attention for injuries caused by crime or abuse
3. Obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse
4. Obtain psychological counseling or mental health services related to an experience of crime or abuse
5. Participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation

Prior to taking time off, an employee shall give reasonable notice to the Superintendent or designee, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide, within a reasonable period of time, certification of the absence in the form of any of the following: (Labor Code 230, 230.1)

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court
3. Documentation from a domestic violence or sexual assault counselor as defined in Evidence Code 1037.1 or 1035.2, licensed medical professional or health care provider, victim advocate, or counselor that the employee was undergoing treatment or receiving services for physical or mental injuries or abuse resulting in victimization from the crime or abuse
4. Any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf certifying that the absence is for a purpose authorized under Labor Code 230 or 230.1

The district shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

The Superintendent or designee shall inform employees of the rights provided employees pursuant to Labor Code 230 and 230.1 using a form developed by the Labor Commissioner or a substantially similar form developed by the district. Such information shall be provided to new employees upon hire and to other employees upon request. (Labor Code 230.1)

Personal Leave for Child-Related Activities

Any employee who is a parent/guardian of one or more children of an age to attend any of grades K-12 or a program offered by a licensed child care provider may use up to 40 hours of personal leave, vacation, or compensatory time off each school year in order to: (Labor Code 230.8)

1. Find, enroll, or reenroll a child in a school or with a licensed child care provider or to participate in activities of the school or child care provider, provided the employee gives reasonable advance notice of the absence. Time off for this purpose shall not exceed eight hours in any calendar month.
2. Address a school or child care emergency, provided the employee gives notice. An emergency exists when the child cannot remain in school or with a child care provider due to one of the following circumstances:
 - a. A request by the school or child care provider that the child be picked up
 - b. An attendance policy, excluding planned holidays, that prohibits the child from attending or requires that the child be picked up from the school or child care provider
 - c. Behavioral or discipline problems
 - d. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays
 - e. A natural disaster, including, but not limited to, fire, earthquake, or flood

For purposes of this leave, parent/guardian includes a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to a child. (Labor Code 230.8)

In lieu of using vacation, personal leave, or compensatory time off, eligible employees may take unpaid leave for this purpose.

If two or more parents/guardians of a child are employed at the same work site, this leave shall be allowed for the parent/guardian who first gives notice to the district. Simultaneous absence by another parent/guardian of the child may be granted by the Superintendent or designee. (Labor Code 230.8)

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

Upon request, a certificated employee shall be granted up to 20 school days of paid leave per school year for service performed within the state on any education board, commission, committee, or group authorized by Education Code 44987.3 provided that all of the following conditions are met: (Education Code 44987.3)

1. The service is performed within the state.
2. The board, commission, organization, or group informs the district in writing of the service.
3. The board, commission, organization, or group agrees, prior to the service, to reimburse the district, upon the district's request, for compensation paid to the employee's substitute and for actual related administrative costs.

Employee Organization Activities

Upon request, any certificated or classified employee shall be granted a leave of absence without loss of compensation, to serve as an elected officer of a district employee organization or any statewide or national employee organization with which the employee organization is affiliated. Such leave shall be in addition to any other leave to which the employee may be entitled by other laws or a memorandum of understanding or collective bargaining agreement. (Education Code 44987, 45210)

The leave shall include, but is not limited to, absence for purposes of attending periodic, stated, special, or regular meetings of the body of the organization on which the employee serves as an officer. (Education Code 44987, 45210)

Upon request of an employee organization in the district or its state or national affiliate, a reasonable number of

unelected classified employees shall be granted a leave of absence without loss of compensation for the purpose of attending important organizational activities authorized by the employee organization. The employee organization shall provide reasonable notification to the Superintendent or designee when requesting a leave of absence for employees for this purpose. (Education Code 45210)

When leave is granted for any of the above purposes, the employee organization shall reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. (Education Code 44987, 45210)

Religious Leave

The Superintendent or designee may grant an employee up to three days of leave per year for religious purposes, provided that the leave is requested in advance and that it does not cause additional district expenditures, the neglect of assigned duties, or any other unreasonable hardship on the district.

The Superintendent or designee shall deduct the cost of hiring a substitute, when required, from the wages of the employee who takes religious leave.

No employee shall be discriminated against for using this leave or any additional days of unpaid leave granted for religious observances at the discretion of the Superintendent or designee.

Spouse on Leave from Military Deployment

An employee who works an average of 20 hours or more per week and whose spouse is a member of the United States Armed Forces, National Guard, or reserves may take up to 10 days of unpaid leave during a period that the employee's spouse is on leave from deployment during a military conflict, as defined in Military and Veterans Code 395.10. (Military and Veterans Code 395.10)

Within two business days of receiving official notice that the employee's spouse will be on leave from deployment, the employee shall provide the Superintendent or designee with notice of the intention to take the leave. The employee shall submit written documentation certifying that the employee's spouse will be on leave from deployment during the time that the leave is requested. (Military and Veterans Code 395.10)

Leave for Emergency Duty

An employee may take time off to perform emergency duty as a volunteer firefighter, a reserve peace officer, or emergency rescue personnel. (Labor Code 230.3)

Any employee who performs duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire, law enforcement, or emergency rescue training. (Labor Code 230.4)

Civil Air Patrol Leave

An employee may take up to 10 days of unpaid leave per calendar year, beyond any leave otherwise available to the employee, to respond to an emergency operational mission of the California Civil Air Patrol, provided that the employee has been employed by the district for at least a 90-day period immediately preceding the leave. Such leaves shall not exceed three days for a single mission, unless an extension is granted by the governmental entity authorizing the mission and is approved by the Superintendent or designee. (Labor Code 1501, 1503)

The employee shall give the district as much advance notice as possible of the intended dates of the leave. The Superintendent or designee may require certification from the proper Civil Air Patrol authority to verify the eligibility of the employee for the leave and may deny the leave if the employee fails to provide the required certification. (Labor Code 1503)

for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 1, Section 8
 Ed. Code 44036-44037
 Ed. Code 44963
 Ed. Code 44981
 Ed. Code 44985
 Ed. Code 44987
 Ed. Code 44987.3
 Ed. Code 45190
 Ed. Code 45194
 Ed. Code 45198
 Ed. Code 45207
 Ed. Code 45210
 Ed. Code 45240-45320
 Evid. Code 1035.2
 Evid. Code 1037.1
 Fam. Code 297-297.5
 Gov. Code 12945.1-12945.2
 Gov. Code 3543.1
 Lab. Code 1500-1507
 Lab. Code 230-230.2
 Lab. Code 230.3
 Lab. Code 230.4
 Lab. Code 230.8
 Lab. Code 233
 Lab. Code 234
 Lab. Code 246.5
 M&V Code 395.10
 Pen. Code 1192.7
 Pen. Code 667.5

Description

Religious discrimination - <https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==>
 Leaves of absence for judicial and official appearances
 Power to grant leaves of absence; certificated
 Leave of absence for personal necessity
 Leave of absence due to death in immediate family; certificated
 Service as officer of employee organization; certificated
 Leave of absence to serve on certain boards, commissions, etc.
 Leaves of absence and vacations; classified
 Bereavement leave of absence; classified
 Effect of provisions authorizing leaves of absence
 Personal necessity; classified
 Service as officer of employee organization; classified
 Merit system
 Sex assault counselor; definition
 Domestic violence counselor; definition
 Rights, protections, benefits under the law; registered domestic partners
 California Family Rights Act
 Rights of employee organizations
 Civil Air Patrol leave
 Leaves for victims of domestic violence, sexual assault or specified felonies
 Leave for emergency personnel
 Leave for volunteer firefighters
 Time off to visit child's school
 Illness of child, parent, spouse or domestic partner
 Absence control policy
 Paid sick days; purposes for use
 Leave when spouse on leave from military deployment
 Plea bargaining limitation
 Prior prison terms; enhancement of prison terms

Federal References

29 USC 2601-2654
 42 USC 2000d-2000d-7

Description

Family Care and Medical Leave Act
 Title VI, Civil Rights Act of 1964

Management Resources References

Court Decision
 Public Employment Relations Board Decision
 Website

Description

Rankin v. Commission on Professional Competence, (1988) 24 Cal.3d 167
 Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==

Cross References

Description

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28pluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwc2CzN850A==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcv==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4IWhd7tg==

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==>

4241.6 Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==>

4243 Negotiations/Consultation -
<https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==>

4258 Employee Security -
<https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==>

4261 Leaves -
<https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==>

4261.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qzsig==>

4261.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==>

4312.9 Employee Notifications -
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4312.9-E(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==>

4312.9-E PDF(1) Employee Notifications -
<https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==>

4340 Bargaining Units -
<https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/E2T0lpogkDECpTZGFtslshdMQ==>

4358 Employee Security -
<https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKglwUOQ==>

4361 Leaves -
<https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==>

4361.1 Personal Illness/Injury Leave -
<https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==>

4361.8 Family Care And Medical Leave -
<https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==>

5148 Child Care And Development -
<https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==>

Regulation 4361.5: Military Leave

Status: ADOPTED

Original Adopted Date: 03/01/2004 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (Education Code 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

Any district employee who needs to be absent from the district service to fulfill military service shall provide advance written or verbal notice to the Superintendent or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

The district shall pay an employee's salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of district employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (Education Code 45059)

During the period of military leave, an employee may request to use any vacation or similar paid leave accrued before the commencement of the military leave in order to continue receiving compensation for the employee's employment with the district. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue health plan coverage during the military leave. The maximum period of coverage for the employee and any dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Any employee called into active military duty as a member of the California National Guard or a United States Military Reserve organization shall receive, for up to 180 days, the difference between the amount of the employee's military pay and the amount the employee would have received from the district and all benefits that the employee would have received had the employee not been called to active military duty, unless the benefits are prohibited or limited by vendor contracts. (Education Code 44018)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in Item #1 in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which the employee would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in Item #3 in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of the employee's leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (Education Code 22850-22856; Government Code 20990-21013)

Employment Status

Absence for military leave shall not affect the classification of any employee. In the case of a probationary employee, the period of such absence shall not count as part of service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (Education Code 44800; Military and Veterans Code 395; 20 CFR 1002.149)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which the employee would otherwise have been entitled, except under the conditions noted below in this section. (Education Code 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended

to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for seeking reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of the military service plus a period of eight hours of rest following a period for safe transportation to the employee's residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

Where an employee's reporting or application for reinstatement within the periods specified in Items #1 and #2 above is impossible or unreasonable through no fault of the employee, the report or application shall be made as soon as possible after the expiration of the period. In the case of Items #2 and #3 where an application is required, the employee's application may be made orally or in writing and need not follow any particular format. (38 USC 4312; 20 CFR 1002.115, 1002.117, 1002.118)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of the case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

If the employee's previous position has been abolished, the district shall reinstate the employee in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which the employee is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee who fails to report or apply for reinstatement within the appropriate period does not automatically forfeit the entitlement to reinstatement but shall be subject to the district's rules and/or practices governing unexcused absences. (38 USC 4312)

The Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The district's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, nonrecurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the district exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Gov. Code 18540	Definition of armed forces
Gov. Code 18540.3	Recognized military service
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
M&V Code 146	Events justifying calling of militia into active service
M&V Code 389	Definitions; temporary military leave
M&V Code 394	Nondiscrimination based on military service
M&V Code 395-395.9	Military leave

Federal References

	Description
20 CFR 1002.1-1002.314	Uniformed Services Employment and Reemployment Rights Act of 1994
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	National Committee for Employer Support of the Guard and Reserve - https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIshUUQ==
Website	U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==
Website	National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==

Cross References**Description**

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyryzQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtPjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

Policy 6146.1: High School Graduation Requirements

Status: ADOPTED

Original Adopted Date: 12/01/2017 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3 and those adopted by the Board, except for students who are exempted as provided in "Exemptions from District-Adopted Graduation Requirements," below. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)
2. Two courses in mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)
5. One course in visual or performing arts or world language. For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)

If a student completed a career technical education course prior to July 1, 2022 that met the requirements of Education Code 51225.3, such course will fulfill the visual or performing arts or world language requirement. (Education Code 51225.3)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)
7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)
8. _____

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

In addition, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the U.S. or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

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

State References

Description

5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements
Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51226.7	Model Curriculum in Ethnic Studies

Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard

Management Resources References

	Description
Court Decision	O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education, High School - https://simbli.eboardsolutions.com/SU/Rvp3XpluswycjdbcyIbqTXF1Q==
Website	University of California, List of Approved A-G Courses - https://simbli.eboardsolutions.com/SU/aSMzVkGKefSjbrpGzGqxDw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXall_gcLPJYKR9w==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmbxODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAlplusMplusg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==

5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/2En6wnlSEgfSfkSp6tsW2Q==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdl9QTMjNZKGMbVvug==
5127	Graduation Ceremonies And Activities - https://simbli.eboardsolutions.com/SU/PGFSmCUoVPc4YclFO2MISg==
5145.6	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0Xfallui15AA==
5145.6-E(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==
5145.6-E PDF(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrvw==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/i3XomFLE8x7UPBmv115kHA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/FfslshxXARVXlf43WlWI13HCQ==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/yOy1VgTRDrylKVQwgWHZvA==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/fxDFGIl2LvYgTU2QAxp6Lg==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/dUY6XHlTK05slshFds18pGtA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6142.6	Visual And Performing Arts Education - https://simbli.eboardsolutions.com/SU/MOSLG87SSN4D9X6Sr9slshHqQ==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/tbwOlmdoEz4Q1Vjo8rYnlQ==
6142.91	Reading/Language Arts Instruction - https://simbli.eboardsolutions.com/SU/u0kwqXzoJslsh1zkA4neAslsh7eA==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/fTMquy4qCooO0o5vPBAIDA==

6142.93	Science Instruction - https://simbli.eboardsolutions.com/SU/TOhfkNbpplusplusFXRgAIBNXiw==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/8w9q6NcK71lbTU94Rqcm7g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLJUeTQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eolD8U7bc6aQ==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshslshopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrWFWi3A==
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjFqvve54w==
6151	Class Size - https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WlfyVz868A==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/jt6w4Ob9l5Fk3Zp4xZKDSQ==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/oGGl7Kob81ls1e8P3iauiA==
6155	Challenging Courses By Examination - https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqjA==
6155	Challenging Courses By Examination - https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==

6158 Independent Study - <https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==>

6159 Individualized Education Program - <https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==>

6159 Individualized Education Program - <https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==>

6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education - <https://simbli.eboardsolutions.com/SU/ueu2nVzHClsqslsh5Oplus8osvjg==>

6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education - <https://simbli.eboardsolutions.com/SU/8tj64Eb0rA04NXwDCLkGbQ==>

6161.1 Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==>

6161.1 Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEn0Y9Q==>

6161.1-E(1) Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/K0mKplus4MCEnlmnlh2cspg==>

6161.1-E PDF(1) Selection And Evaluation Of Instructional Materials - <https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV89zg==>

6162.5 Student Assessment - <https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==>

6172.1 Concurrent Enrollment In College Classes - <https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSF1Oplusslsh4RvQw==>

6172.1 Concurrent Enrollment In College Classes - <https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsishP8S2Cj02w==>

6173 Education For Homeless Children - <https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mndj3hw==>

6173 Education For Homeless Children - <https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g==>

6173-E PDF(1) Education For Homeless Children - <https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==>

6173-E PDF(2) Education For Homeless Children - <https://simbli.eboardsolutions.com/SU/D7vRHZxzslshBORslshL7t0wPgw==>

6173.1 Education For Foster Youth - <https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==>

6173.1 Education For Foster Youth - <https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw==>

6173.2 Education Of Children Of Military Families - <https://simbli.eboardsolutions.com/SU/tHYVlliplusEhWEo0l2RHBMg==>

6173.2 Education Of Children Of Military Families - <https://simbli.eboardsolutions.com/SU/p9islshfffiWNXpwsKgKC41A==>

6173.3 Education For Juvenile Court School Students - <https://simbli.eboardsolutions.com/SU/EKUslsh7IXVvCb4Sf5TG3Y9mQ==>

6175 Migrant Education Program - <https://simbli.eboardsolutions.com/SU/roLeyXGgp5I03jclK5slshG1A==>

6175 Migrant Education Program - <https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==>

6176 Weekend/Saturday Classes - <https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyRaQF4w==>

6177 Summer Learning Programs - <https://simbli.eboardsolutions.com/SU/eqqaj3pDRTAplus4B05IJJGzw==>

- 6178 Career Technical Education -
<https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==>
- 6178 Career Technical Education -
<https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==>
- 6178.1 Work-Based Learning -
<https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==>
- 6178.1 Work-Based Learning -
<https://simbli.eboardsolutions.com/SU/wLcNslshgplumQlg9zvVgyCIMQ==>
- 6178.2 Regional Occupational Center/Program -
<https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==>
- 6179 Supplemental Instruction -
<https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==>
- 6181 Alternative Schools/Programs Of Choice -
<https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==>
- 6181 Alternative Schools/Programs Of Choice -
<https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==>
- 6184 Continuation Education -
<https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==>
- 6184 Continuation Education -
<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/GBFlqzmqwZQwt8slshR7plusdHYQQ==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/plus0bvJoejCOEIMYEaP8Bpgg==>
- 9000 Role Of The Board -
<https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==>

Policy 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 03/01/2005 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

The minimum period of time for any independent study option shall be three consecutive school days. (Education Code 46300)

General Independent Study Requirements

The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for participation and is likely to succeed as well as or better than the student would in the regular classroom setting.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law. (Education Code 46100)

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of programs. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in

Education Code 52060

2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning of required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

The Superintendent or designee shall ensure that all students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 15 school days or more who are: (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar
2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span
3. In violation of their written agreement

Tiered reengagement strategies procedures used in district independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student
2. Notification to parents/guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary
4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

The Superintendent or designee shall, for students who participate in an independent study program for 15 school days or more, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days. (Education Code 51747)

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee. (Education Code 51747)

The Superintendent or designee shall ensure that a written agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in the section "Master Agreement," the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747)

For student participation for 15 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of less than 15 school days, a signed written agreement shall be obtained within ten school days of the first day of the student's enrollment. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
8. A statement that independent study is an optional educational alternative in which no student may be required

to participate

9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction
10. Before the commencement of independent study projected to last for 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 15 school days, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under 18 years of age, the certificated employee responsible for the general supervision of independent study, and for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by UC or CSU as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for all students in transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program as indicated by the student's performance on applicable student-level measures of student achievement and engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If

the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor
7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
8. A student shall not be required to enroll in courses included in the course-based independent study program
9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6
10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208
11. Courses required for high school graduation or for admission to UC or CSU shall not be offered exclusively through independent study
12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011
13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course
14. A student with disabilities, as defined in Education Code 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation
15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study
16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days

Learning Agreement for Course-Based Independent Study

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to Item #3 of the Course-Based Independent Study section above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not

limited to, a regular school program

5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.
12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal standards, as determined by CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

Student-Parent-Educator Conferences

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

Program Evaluation

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

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

State References

5 CCR 11700-11705

Ed. Code 17289

Ed. Code 41020

Description

Independent study

Exemption for facilities

Requirement for annual audit

Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal References

20 USC 6301
20 USC 6311

Description

Highly qualified teachers
State plan

Management Resources References

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

California Department of Education
Publication

Description

Legal Requirements for Independent Study

Conducting Individualized Determinations of Need

2021-22 AA & IT Independent Study FAQs

California Digital Learning Integration and Standards Guidance, May 2021

Elements of Exemplary Independent Study

Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th
1365

Court Decision

Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Consortium for Independent Study - https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfOR6gplusRQ==
Website	California Department of Education, Independent Study - https://simbli.eboardsolutions.com/SU/aXxHIGI4L70pDRS6Jnl2Jw==
Website	Education Audit Appeals Panel - https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/yqvHtAwxfzfp9smLplumfcaQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/oJZXkPi3iNtmezHLSHHBBw==
3580	District Records - https://simbli.eboardsolutions.com/SU/crBR8lcYslshshcadfBT09vKtA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaz6slshWJQ==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/4CJBHdTEOnz9dq3mSJ5qzw==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/kD97qlfelg37ShzuEcplusBw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/OvU6blFneYGxiu8HTsCaIQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==

5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdl9QTMjNZKGMbVvug==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/WHslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSpluf7slshAnBIYIIPA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakIQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/EI88u7DdXyv0auDplus9Wul3g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMosslshZA==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTlz3YyiADAJMA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLJUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkhHf3cnoYg==

6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==
6152	Class Assignment - https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkkHo40A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnslshQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKVva2A==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JQO3ETpzAugVUUKL2plusA==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgrFA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsllshTayjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFlqzmqwZQwt8slshR7plusdHYQQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/plus0bvJoejCOEIMYEaP8Bpgg==

Regulation 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 10/01/2015 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in-person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in-person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by a teacher or teachers of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

Educational Opportunities

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Continuing and special study during travel
4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and district-owned devices adequate to participate in an independent study program and complete assigned work

consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction.

A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through independent study. (Education Code 51745)

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate

4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interest. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. (Education Code 51747, 51749.5; 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

Responsibilities of Independent Study Administrator

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with Item #4 in the section on "Records" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress

7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement
9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

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

State References

Description

5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal References

	Description
20 USC 6301	Highly qualified teachers
20 USC 6311	State plan

Management Resources References

	Description
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Consortium for Independent Study - https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfOR6gplusRQ==
Website	California Department of Education, Independent Study - https://simbli.eboardsolutions.com/SU/aXxHIGI4L70pDRS6Jnl2Jw==
Website	Education Audit Appeals Panel - https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/yqvHtAwxzffp9smLplumfcaQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/oJZXkPi3iNtmezHLSHHBBw==
3580	District Records - https://simbli.eboardsolutions.com/SU/crBR8lcYslshshcadfBT09vKtA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolGJHPZg==

4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/4CJBHdTEOnz9dq3mSJ5qzw==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/kD97qlfelg37ShzuEcmlplusBw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/OvU6blFneYGxiu8HTsCalQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/WHslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSplusf7slshAnBIYIJPA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakIQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/EI88u7DdXyv0auDplus9Wul3g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==

6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplus1yplusF7QGkEslshLEej7PvA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMosshZA==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTlz3YyiADAJMA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLJUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAjX5ggLMG3GsxDA==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkhHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==
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6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
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6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkkHo40A==
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6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnlshQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
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6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==

- 6184 Continuation Education -
<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>
- 6185 Community Day School -
<https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==>
- 6185 Community Day School -
<https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/GBFlqzmqwZQwt8slshR7plusdHYQQ==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/plus0bvJoejCOEIMYEaP8Bpgg==>

Policy 6164.2: Guidance/Counseling Services

Status: ADOPTED

Original Adopted Date: 11/01/2007 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board recognizes that a structured, coherent, and comprehensive counseling program promotes academic achievement and growth, and serves the diverse needs of district students. The district shall provide an educational counseling program that offers students services and supports within a Multi-Tiered Systems of Support (MTSS) framework, in accordance with law. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning and well-being.

The Superintendent or designee shall ensure that all persons employed to provide direct school counseling, school psychology, school social work services to students, and/or implement equitable school programs and services that support students' academic and social emotional development and college and career readiness shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of such positions shall be clearly defined in a job description.

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing all students with direct services, such as individual counseling, group counseling, risk assessment, crisis response, and instructional services, including mental health and behavioral, academic, and postsecondary educational services and indirect services, including but not limited to, positive school climate strategies, teacher and parent consultations, and referrals to public and private community services
2. Planning, implementing, and evaluating school counseling programs
3. Working within a MTSS that uses multiple data sources to monitor and improve student behavior, attendance, engagement, and achievement
4. Developing, coordinating, and supervising comprehensive student support systems in collaboration with teachers, administrators, other pupil personnel services professionals, families, community partners, and community agencies, including county mental health agencies
5. Promoting and maintaining a safe learning environment for all students by providing restorative practices, positive behavior interventions, and support services, and by developing a variety of intervention strategies, and using those strategies, to meet individual, group, and school community needs before, during, and after a crisis
6. Intervening to ameliorate school-related problems, including problems related to chronic absences and retention
7. Using research-based strategies to promote mental wellness, reduce mental health stigma, and to identify characteristics, risk factors, and warning signs of students who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, including mistreatment related to any form of conflict or bullying
8. Improving school climate and student well-being by addressing the mental and behavioral health needs of students during a period of transition, separation, heightened stress, and critical changes, accessing community programs and services to meet those needs, and providing other appropriate services
9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs
10. Providing counseling services for unduplicated students who are classified as English learners, or foster youth, homeless children, and students eligible for free and reduced-priced meals, including interventions and support services that enhance equity and access to appropriate education systems and public and private services

11. Engaging in continued development as a professional school counselor

Educational And Career Counseling

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

The educational counseling program shall include academic counseling and postsecondary services, in the following areas (Education Code 49600):

1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans
2. Optimizing progress towards achievement of proficiency standards and competencies
3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to colleges and universities, standardized admissions tests, and financial aid
5. High-quality career programs at all grade levels in which students are assisted in doing all of the following:
 - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
 - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
 - c. Developing work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on quality of life
 - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
 - e. Understanding the value of participating in career technical education pathways, programs, and certifications, including, but not limited to, those related to regional occupational programs and centers, the federal program administered by the United States Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based learning, industry certifications, college preparation and credit, and employment opportunities
 - f. Understanding the need to develop essential employable skills and work habits
 - g. Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

The district's educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with their peers, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for students who fail to meet graduation requirements to continue with their education.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

As part of the district's educational counseling program, students may be offered mental and behavioral health services under which a student may receive prevention, intervention, short-term counseling services, and mental health related classroom instruction to reduce stigma and increase awareness of counseling support services.

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

In addition, counselors shall affirmatively explore with a student the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

OPTION 1: Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

OPTION 1 ENDS HERE

OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)

OPTION 2 ENDS HERE

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

Personal or Mental Health Counseling

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by their credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by the student's parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic

incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Teacher-Based Advisory Program

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

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

State References

	Description
5 CCR 4930-4931	Counseling
5 CCR 80049-80049.1	Pupil Personnel Services credential
5 CCR 80632-80632.5	Preparation programs for Pupil Personnel Services
Ed. Code 221.5	Equal opportunity
Ed. Code 44266	Pupil Personnel Services credential
Ed. Code 48431	Establishing and maintaining high school guidance and placement program
Ed. Code 49600-49604	Educational counseling
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51513	Personal beliefs
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 6254	Exemption for personnel records if invasion of personal privacy
H&S Code 124260	Mental health services; consent by minors age 12 and older
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 11166-11170	Reporting known or suspected cases of child abuse
W&I Code 5850-5883	Mental Health Services Act

Federal References

	Description
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Management Resources References

Description

California Department of Education Publication	California Results-Based School Counseling and Student Support Guidelines, 2007
Website	California Division of Apprenticeship Standards - https://simbli.eboardsolutions.com/SU/uE7fWtCmCWa0Bbr6POZVvA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Association of School Counselors - https://simbli.eboardsolutions.com/SU/BoLICJgsmR0Iz2b9uY9pZw==
Website	American School Counselor Association - https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==
Website	U.S. Department of Education, access to military recruiters - https://simbli.eboardsolutions.com/SU/bm4rELAxzOncS8mvxauVUg==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUJlsa97efc7aH4Q==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPO13Jplus7cw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgclPJYKR9w==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusMplusg==
1313	Civility - https://simbli.eboardsolutions.com/SU/cERNNranyLpshshshpqrqyRyAw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNWlJfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==

3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIkTbcZcF8v5agg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHK1euKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84cjiN31dA5odXslshEoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/3to8RplnokMSGvb2EJ8Qmg==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/npludgJwa04NhAQWxYfv3GKA==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/OvU6blFneYGxiu8HTsCalQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qkNeA2321g==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVoe9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VvkHAQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/jYtwXJDslshkuKNsmoetBdSzQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/A00pFFSMUslshDODL2a9HlbtQ==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/u8Wpluss34VJFsqplusSplusApU7gow==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJ0Eye0pz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMyOrrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20a143StxVcQXvoig==

5136	Gangs - https://simbli.eboardsolutions.com/SU/TeIQJmrs5CMY7ZslshwzqlPaQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/J2plusQxKcDQp6eCW0ucjhxKw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkktiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/WM38treDjLEIDeRTkCMSCA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eAe18Pkbslshqyslsh5aoMoF7ksQ==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjSkEdlUR2Gj3BERPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUhpTbrdfxL6JpCuQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXsRw6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.6	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==
5145.6-E(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==
5145.6-E PDF(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/ninmwtTREiIJOBj9P7Qi7g==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklMGNYQPvMr6w==
6141.4	International Baccalaureate Program - https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==
6141.5	Advanced Placement - https://simbli.eboardsolutions.com/SU/VKU0plusZC9i4xPUaA9uN30nA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==

6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/tbwOImdoEz4Q1Vjo8rYnlQ==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLIUsETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eolD8U7bc6aQ==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsIshQlPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSjgfA2gA==
6171	Title I Programs - https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKVva2A==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDjcdnxYRslshO3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxXZslshBORslshzL7t0wPg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQyqZWs07diDlxw9g==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==

- 6184 Continuation Education -
<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>
- 6185 Community Day School -
<https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==>
- 6185 Community Day School -
<https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/GBFlqzmqwZQwt8slshR7plusdHYQQ==>
- 6200 Adult Education -
<https://simbli.eboardsolutions.com/SU/plus0bvJoejCOEIMYEaP8Bpgg==>

Policy 6178: Career Technical Education

Status: ADOPTED

Original Adopted Date: 03/01/2008 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy.

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations by providing a rigorous academic component and practical experience in all aspects of an industry. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs (ROC/Ps), charter schools, small learning communities, magnet programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Superintendent or designee shall explore available funding sources that may be used to support CTE programs. The Board shall review and approve all district plans and applications for the use of district, state, and/or federal funds supporting CTE.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

The Superintendent or designee shall systematically review the district's CTE courses to determine the degree to which each course may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. CTE courses approved for these purposes shall be equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. The Superintendent or designee shall also work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9)

To the extent required by law, the Superintendent or designee shall invite the participation of private school students in CTE programs supported by federal funding under the Strengthening Career and Technical Education for the 21st Century Act (Perkins). (20 USC 2397)

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. The Superintendent or designee shall also provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

The Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

The Superintendent or designee shall regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

The Superintendent or designee shall annually report to the Board achievement data on participating students, including, but not limited to, the percentage of participating students who successfully complete CTE programs, their performance on state and district academic achievement tests, and graduation rates. Data shall be disaggregated by program and various student subgroups. Based on such data, the Board shall determine the need for program improvements and update the goals in the district's local control and accountability plan as necessary.

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

State References

5 CCR 10070-10075

5 CCR 10080-10092

5 CCR 10100-10111

5 CCR 11500-11508

5 CCR 11535-11538

5 CCR 11610-11611

Description

Work experience education

Community classrooms

Cooperative vocational education

Regional occupational centers and programs

Career technical education contracts with private postsecondary schools

Regional adult and vocational education councils

5 CCR 1635	Credit for work experience education
5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
Ed. Code 1205	Classification of counties - https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==
Ed. Code 17078.70-17078.72	Career technical education facilities - https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==
Ed. Code 33430-33432	Health science and medical technology grants
Ed. Code 35168	Inventory of equipment
Ed. Code 41540-41544	Targeted instructional improvement block grant
Ed. Code 44257.3	CTC recognition of study in linked learning teaching methods
Ed. Code 44260-44260.1	Designated subjects career technical education credential
Ed. Code 44260.9	Designated subjects career technical education credential
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
Ed. Code 52519-52520	Adult education; occupational training
Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
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Ed. Code 66205.5-66205.9	Approval of career technical education courses for admission to California colleges
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Gov. Code 54950-54963	The Ralph M. Brown Act
Lab. Code 3070-3099.5	Apprenticeships
Lab. Code 3110-3112.1	Apprenticeship Innovation Funding Program
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Regulation 6178: Career Technical Education

Status: ADOPTED

Original Adopted Date: 03/01/2008 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

Federal Grants for Career Technical Education (Perkins)

The district shall submit to the California Department of Education an application for a basic grant of the federal Strengthening Career and Technical Education for the 21st Century Act. The application shall address the components specified in 20 USC 2354 and any additional requirements specified in the state plan developed pursuant to 20 USC 2342. (20 USC 2354)

The district shall conduct a needs assessment in accordance with 20 USC 2354, which shall be updated at least once every two years. The needs assessment shall be conducted in consultation with representatives of district career technical education (CTE) programs, postsecondary CTE programs, state or local workforce development boards and businesses, parents/guardians, students, and other specified stakeholders. (20 USC 2354)

To meet the needs identified in the needs assessment, the Superintendent or designee shall develop, coordinate, implement, or improve CTE programs that are of sufficient size, scope, and quality to be effective and that fulfill the following purposes: (20 USC 2355)

1. Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including students in the middle grades, in making informed plans and decisions about future education and career opportunities and programs of study. Such activities shall occur before students enroll and while they are participating in a CTE program, and may include:
 - a. Introductory courses or activities focused on career exploration and career awareness, including non-traditional fields
 - b. Readily available career and labor market information, including information on occupational supply and demand, educational requirements, other information on careers aligned to economic priorities, and employment sectors
 - c. Programs and activities related to the development of student graduation and career plans
 - d. Career guidance and academic counselors who provide information on postsecondary education and career options
 - e. Any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including nontraditional fields
 - f. Activities that provide students with strong experience in, and comprehensive understanding of, all aspects of an industry
2. Provide the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations
3. Integrate academic skills into CTE programs and programs of study to support participating students in meeting state academic standards
4. Provide professional development for teachers, school leaders, administrators, specialized instructional support personnel, guidance counselors, and/or paraprofessionals, which may include the types of activities listed in 20 USC 2355
5. Plan and carry out elements that support the implementation of CTE programs and programs of study and that result in increased student achievement. Such elements may include curriculum aligned with program requirements, sustainable relationships among community stakeholders, opportunities for students to participate in accelerated learning programs, equipment and instructional materials aligned with business and industry needs, and other activities specified in 20 USC 2355.

6. Develop and implement evaluations of the activities funded by the grant

The district's program shall provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency. Special populations shall be provided with equal access to CTE programs and shall not be unlawfully discriminated against. Special populations include, but are not limited to, students with disabilities, students from economically disadvantaged families, pregnant and parenting students, out-of-work individuals, English learners, homeless students, foster youth, children of military families, and students preparing for nontraditional fields. Nontraditional fields include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary students in the district's programs and activities funded pursuant to 20 USC 2301-2414. To the extent practicable, the Superintendent or designee shall also, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's inservice and preservice professional development programs funded through such grants. (20 USC 2397)

Linked Learning Programs

The district shall offer one or more comprehensive, multi-year linked learning programs in grades 9-12 that are organized around a broad theme, interest area, or industry sector including, but not limited to, the industry sectors identified in model standards adopted by the State Board of Education pursuant to Education Code 51226. The program shall provide all participating students with curriculum choices that prepare them for career entry and a full range of postsecondary options, including two-year and four-year colleges, apprenticeships, and formal employment training.

At a minimum, the district's linked learning program shall include:

1. An integrated core curriculum that meets the eligibility requirements for admission to the University of California (UC) and the California State University (CSU) and is delivered through project-based learning and other engaging instructional strategies that bring real-world context and relevance to the curriculum where broad themes, interest areas, and CTE are emphasized
2. An integrated technical core of a sequence of at least four related courses that may reflect CTE standards-based courses and that provide students with career skills, are aligned to academic principles, and fulfill academic core requirements described in Item #1 above to the extent possible
3. A series of work-based learning opportunities that begin with mentoring and job shadowing and evolve into intensive internships, school-based enterprises, or virtual apprenticeships
4. Support services, including supplemental instruction in reading and mathematics, that help students master the advanced academic and technical content that is necessary for success in college and career

Partnership Academies

The district shall operate one or more partnership academies as a school-within-a-school focused on a broad career theme. The program shall be available to students in grades 10-12, at least half of whom shall be students who are at risk of dropping out of school as indicated by three or more of the following criteria: (Education Code 54690-54691)

1. Past record of irregular attendance, with absence from school 20 percent or more of the school year
2. Past record of underachievement in which the student is at least one-third of a year behind the coursework for the respective grade level, or as demonstrated by credits achieved
3. Past record of low motivation or disinterest in the regular school program

4. Economic disadvantage
5. Scores below basic or far below basic on the mathematics or English language arts test of the California Assessment of Student Performance and Progress
6. A grade point average of 2.2 or below or the equivalent of a C minus

Ninth-grade teachers and counselors shall identify students eligible to participate in a partnership academy. Participating students shall be selected by academy staff from among those who have expressed an interest in the academy and whose parents/guardians have approved the student's participation. (Education Code 54695)

The district's program shall provide: (Education Code 54692)

1. During each regular school term, instruction in at least three academic subjects that:
 - a. Prepares students for a regular high school diploma
 - b. Where possible and appropriate, prepares students to meet subject requirements for admission to UC and CSU
 - c. Contributes to an understanding of the occupational field of the academy
2. CTE or science, technology, engineering, and mathematics courses offered at each grade level at the academy that are part of an occupational course sequence that targets comprehensive skills and meets the criteria specified in Education Code 54692
3. Classes that are block scheduled in a cluster whenever possible to provide flexibility to academy teachers and which may vary in number during grade 12
4. A mentor from the business community for students during grade 11
5. An employer-based internship or work experience that occurs during the summer following grade 11 or during grade 12
6. Additional motivational activities with private sector involvement to encourage academic and occupational preparation

Attendance in academy classes shall be limited to students enrolled in the academy. (Education Code 54692)

The Superintendent or designee shall establish an advisory committee consisting of individuals involved in academy operations, including district and school administrators, lead teachers, and representatives of the private sector. (Education Code 54692)

Apprenticeship Programs

The district shall offer high school and/or adult education students a program of orientation to apprenticeships that acquaints students with a broad range of career options, provides information regarding available apprenticeship programs, and provides classroom instructional job training which guides students to a registered apprenticeable occupation.

The district's program shall:

1. Introduce students to what they need to know in order to apply, test, and interview for acceptance into an apprenticeship program
2. Demonstrate the need for proficiency in reading and comprehension, mathematics, science, and technology
3. Emphasize the necessity to have the ability to communicate in reading, writing, speaking, listening, and numeration skills
4. Identify the knowledge, skills, and attitudes needed to enter and successfully complete an apprenticeship

program

5. Provide an orientation to a specific craft or trade or to an industry

The district may enter into an agreement with a local business, labor or management apprenticeship committee, and/or joint labor-management apprenticeship committee that has been approved by the Department of Industrial Relations' Division of Apprenticeship Standards to sponsor an apprenticeship program in order to develop and deliver related and supplemental instruction to students participating in a registered apprenticeship program. (Education Code 8150-8155; Labor Code 3074, 3075, 3078)

Regional Occupational Center/Program

The district shall operate and/or partner with a regional occupational center or program (ROC/P), established pursuant to Education Code 52335.12, which offers CTE courses, linked learning programs, partnership academies, and/or pre-apprenticeship and apprenticeship programs as appropriate.

Occupational course sequences offered by ROC/P shall provide prerequisite courses needed to enter apprenticeship or postsecondary vocational certificate or degree programs, focus on occupations requiring comprehensive skills leading to high entry-level wages and/or the possibility of significant wage increases after a few years on the job, offer as many courses as possible that meet college admission requirements, and lead to attainment of an occupational skill certificate. (Education Code 52302)

Student Organizations

The district may provide support, including supplies, materials, activities, and advisor expenses, to student organizations which engage in activities that are integral to the CTE program and provide for the development of student leadership skills. However, no state or federal funds shall be used to pay students' membership dues, food or lodging expenses, out-of-state travel, or the cost of a social activity or assemblage.

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

State References

	Description
5 CCR 10070-10075	Work experience education
5 CCR 10080-10092	Community classrooms
5 CCR 10100-10111	Cooperative vocational education
5 CCR 11500-11508	Regional occupational centers and programs
5 CCR 11535-11538	Career technical education contracts with private postsecondary schools
5 CCR 11610-11611	Regional adult and vocational education councils
5 CCR 1635	Credit for work experience education
5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
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Ed. Code 33430-33432	Health science and medical technology grants
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Ed. Code 41540-41544	Targeted instructional improvement block grant
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Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
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Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies; green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
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Policy 6200: Adult Education

Status: ADOPTED

Original Adopted Date: 06/01/1997 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board believes that education is a lifelong endeavor and that it is important for individuals to continuously develop new skills necessary to participate effectively as citizens, workers, parents/guardians, and family and community members. Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.

The Superintendent or designee shall recommend, for approval by the Board and the California Department of Education, courses to be offered through the district's adult education program.

Adult education classes may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board. (Education Code 52505)

The Superintendent or designee shall ensure that all teachers of adult education classes possess an appropriate credential issued by the Commission on Teacher Credentialing and have access to high-quality professional development to continuously enhance their knowledge and skills.

Upon recommendation of the administrator of the student's adult school or noncredit program of attendance, the Board may authorize an adult education student pursuing a high school diploma or a high school equivalency certificate to attend a community college during any session or term as a special part-time student. (Education Code 52620)

The Board may award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program. (Education Code 52508, 52509)

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

If the district has an adult school or classes for adults but is unable to maintain such school or classes because of an inability to secure a teacher(s) or because of a lack of facilities, the district may, with the approval of the County Superintendent of Schools and the Superintendent of Public Instruction, contract with another district for the instruction of such students. (Education Code 52511)

To ensure efficient and coordinated adult education services, the district may join a regional adult education consortium. The district shall participate in the consortium's identification of the educational needs of adults in the region, identification of available funding and services, development and approval of an adult education plan pursuant to Education Code 84906, and implementation of strategies to address the identified needs, improve the effectiveness of district services, and improve students' transitions into postsecondary education and the workforce.

The district's representative to the regional adult education consortium shall be designated by the Board. (Education Code 84905)

The Superintendent or designee shall regularly report to the Board on the effectiveness of the district's adult education program. This report shall include, but not be limited to, the number of adults and high school students participating in the program, student participation in each type of adult education course or class, and the extent to which students successfully completed these programs, including, as applicable, the completion of requirements for the high school diploma or certificate of equivalency.

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

State References

	Description
5 CCR 10501	Adult education; definition of adult for attendance counting
5 CCR 10508	Records and reports
5 CCR 10530	Counseling and guidance services
5 CCR 10560	Standards of administration
5 CCR 53412	Minimum qualifications for instructors of noncredit courses
5 CCR 80034	Teaching credentials; adult education
5 CCR 80034.5	Adult education; substitute teachers
5 CCR 80036-80036.4	Requirements for designated subjects adult education credential
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Ed. Code 10200	CalWORKs instructional and job training plan - https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==
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Ed. Code 44865	Qualifications for independent study teachers
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Ed. Code 46300.1-46300.42	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51241	Temporary two-year or permanent exemption from physical education
Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
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Ed. Code 52500-52523	Adult schools
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Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52610-52616.18	Adult schools; finances
Ed. Code 52620	Attendance at community college as special part-time student
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes
Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education Program
Ed. Code 8500-8538	Adult education
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Federal References

Description

20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
29 USC 3101-3255	Workforce Innovation and Opportunity Act
29 USC 3271-3333	Adult Education and Family Literacy Act

Management Resources References

	Description
California Department of Education Publication	Adult Education Block Grant (AEBG) Measures of Effectiveness
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
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6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjFqvve54w==
6146.5	Elementary/Middle School Graduation Requirements - https://simbli.eboardsolutions.com/SU/fAstBYp2I21WTHslshGrKpnSQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
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6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
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6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==

- 6178 Career Technical Education -
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- 6178.2 Regional Occupational Center/Program -
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- 6184 Continuation Education -
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- 9140 Board Representatives -
<https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==>

Regulation 6200: Adult Education

Status: ADOPTED

Original Adopted Date: 06/01/1997 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Enrollment

For adult education programs, adults include persons age 18 or older and other persons not concurrently enrolled in a regular high school program. However, high school students may be concurrently enrolled in adult education under the conditions specified in the section "Concurrent Enrollment of High School Students" below. (Education Code 52523, 52610)

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

With the exception of programs for adults with disabilities specified in Education Code 52570, adult education classes shall be located in a facility which clearly identifies attendance in the class as being open to the general public. (Education Code 52517, 52570)

Concurrent Enrollment of High School Students

High school students may be permitted to enroll in an adult education program, course, or class for sound educational purposes, including, but not limited to, the following: (Education Code 52523)

1. The adult education program, course, or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course, or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course, or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.
4. The adult education program, course, or class supplements and enriches the high school student's educational experience.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes the student, the student's parent/guardian, and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the counseling session and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education course or class
2. That the enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

The above statement shall be signed by the student, the student's parent/guardian, and the certificated high school representative.

Classes offered in the district's adult education program shall supplement and not supplant the regular high school curriculum. No course required by the district for high school graduation or necessary for students to maintain satisfactory academic progress shall be offered exclusively through the adult education program. (Education Code 52523)

Programs and Courses

The district's adult education program shall offer instruction in one or more of the following areas: (Education Code

41976)

1. Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate
2. Programs for immigrants eligible for educational services in citizenship, English as a second language, workforce preparation, and immigrant integration
3. Programs that are primarily related to entry or reentry into the workforce
4. Programs that are primarily designed to develop knowledge and skills to assist elementary and secondary students to succeed academically in school
5. Programs for adults with disabilities
6. Short-term career technical education programs with high employment potential
7. Programs offering pre-apprenticeship training activities in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

The district may also offer programs in parenting, family and consumer awareness, English as a second language, classes for older adults, home economics, and health and safety education. Such programs shall not be paid for with Adult Education Program Funds.

The Superintendent or designee shall regularly submit to the California Department of Education for approval the titles of classes that have been approved by the Governing Board to be offered in any of the program areas listed above.

Adults may also be enrolled in community service classes offered by the district. (Education Code 51811)

All adult education programs, courses, and classes and their enrollment period shall be published in the district's catalog of adult education classes provided to the public. (Education Code 52523)

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747)

Fees

The district may require fees for enrollment in an adult education class. However, no fees shall be charged for the following adult education programs or classes: (Education Code 52612, 52613)

1. A class for which high school credit is granted, if the class is taken by an individual who does not hold a high school diploma.
2. A class in an elementary subject or a class in English as a second language or citizenship, unless the student is a nonimmigrant with an F-1 visa status. Any nonimmigrant enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged.

Except for those fees required by law, the payment of fees may be waived in cases of hardship at the recommendation of the Superintendent or designee.

The Board may fix a charge, not to exceed cost, for books furnished to adult education students. In lieu of fixing such charge, books may be loaned to students with the payment of a refundable deposit. (Education Code 60410)

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

State References

Description

5 CCR 10501	Adult education; definition of adult for attendance counting
5 CCR 10508	Records and reports
5 CCR 10530	Counseling and guidance services
5 CCR 10560	Standards of administration
5 CCR 53412	Minimum qualifications for instructors of noncredit courses
5 CCR 80034	Teaching credentials; adult education
5 CCR 80034.5	Adult education; substitute teachers
5 CCR 80036-80036.4	Requirements for designated subjects adult education credential
5 CCR 80040.2-80040.2.7	Programs of personalized preparation for the designated subjects adult education teaching credentialing
Ed. Code 10200	CalWORKs instructional and job training plan - https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==
Ed. Code 41975-41976.1	Adult education; authorized classes and courses
Ed. Code 44260.2-44260.3	Credential requirements; designated subjects adult education credential
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46191	Attendance for adults in correctional facilities
Ed. Code 46300.1-46300.42	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51241	Temporary two-year or permanent exemption from physical education
Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 51745	Independent study
Ed. Code 51810-51815	Community service classes
Ed. Code 52500-52523	Adult schools
Ed. Code 52540-52544	Adult English classes
Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52610-52616.18	Adult schools; finances
Ed. Code 52620	Attendance at community college as special part-time student
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes
Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education Program
Ed. Code 8500-8538	Adult education

W&I Code 11320-11329.5

CalWORKs; education and job training

Federal References

20 USC 2301-2414

29 USC 3101-3255

29 USC 3271-3333

Description

Strengthening Career and Technical Education for the 21st Century Act

Workforce Innovation and Opportunity Act

Adult Education and Family Literacy Act

Management Resources References

California Department of Education Publication

California Department of Education Publication

Website

Website

Website

Website

Website

Website

Description

Adult Education Block Grant (AEBG) Measures of Effectiveness

Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

California Department of Education, Adult Education - <https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgV66uCVMMplusw==>

California Department of Industrial Relations, Division of Apprenticeship Standards - <https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==>

California Council for Adult Education - <https://simbli.eboardsolutions.com/SU/Espa0cpFsAr9xZVyslshqkZg==>

Comprehensive Adult Student Assessment Systems - <https://simbli.eboardsolutions.com/SU/i4duplusM9plusOMt75IXpka2I3A==>

Commission on Teacher Credentialing - <https://simbli.eboardsolutions.com/SU/cxWNIqRUuIsaq7efc7aH4Q==>

Cross References

0410

0440

0440

0500

1312.3

1312.3

1312.3-E PDF(1)

1312.3-E PDF(2)

3260

3260

3541

4112.2

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District Technology Plan - <https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wl0TCQ==>

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Accountability - <https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKngJbgZ4Q3g==>

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==>

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Transportation Routes And Services - <https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==>

Certification - <https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==>

4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytsh362LVDh2oTivuLm8gA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMifYPYXEiEMhaRz6slshWJQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==
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6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mlO84XP5vNw==
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6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/IVnd1RslshrYn5G7DW0f2PmUw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==
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6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqEcdplus8plus1uCxi9Yug==
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<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>
- 9140 Board Representatives -
<https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==>

Policy 7110: Facilities Master Plan

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment, teacher housing needs, and the district's educational program. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. The Superintendent or designee shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

Plan Components

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies
2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future need

Plans for the design and construction of new school facilities shall also meet the standards described in 5 CCR 14030, the California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations ("CALGreen"), the Americans with Disabilities Act (ADA) pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

However, plans for residential housing, which includes any building used or intended to be used by the district as a personal residence by a teacher or employee of the district, is not considered to be a "school building" and does not require approval by the Department of General Services regarding earthquake safety and/or the ADA. (Education Code 17283.5; Government Code 4454.5)

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

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

State References	Description
2 CCR 1859-1859.199	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/nuvesXH7Af1QqDOmGTa3wA==
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14010	Procedure for site acquisition
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Ed. Code 16011	Long-range comprehensive master plan - https://simbli.eboardsolutions.com/SU/inBIFyIkCBWVwUslshOCxSAA==
Ed. Code 16322	California Department of Education services - https://simbli.eboardsolutions.com/SU/Kys0OUslshslshslshRcKslsh1FUOzDoww==
Ed. Code 17017.5	Approval of applications for projects - https://simbli.eboardsolutions.com/SU/XplusZMetKGleiy7A8UyyjshSQ==
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLopZgjjg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction

Ed. Code 17283.5	School building does not include residential housing
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 17405	Relocatable structures; lease requirements
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Ed. Code 4454.5	Approval of plans and specifications; exemption of residential housing
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
Gov. Code 65995.6	School facilities needs analysis
H&S Code 53570-53574	Teacher Housing Act of 2016

Federal References

	Description
28 CFR 35.101-35.190	Americans with Disabilities Act
42 USC 12101-12213	Americans with Disabilities Act

Management Resources References

	Description
California Department of Education Publication	Educational Specifications: Linking Design of School Facilities to Educational Program, 1997
California Department of Education Publication	Guide for the Development of a Long-Range Facilities Plan, 1986
California Department of Education Publication	Schools of the Future Report, September 2011
CSBA Publication	Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010
CSBA Publication	Facilities Master Planning, Fact Sheet, November 2007
Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Office of Public School Construction Publication	A Brief Overview of the School Facility Program, May 2016
State Allocation Board Publication	Public School Construction Cost Reduction Guidelines, 2000
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0000	Vision - https://simbli.eboardsolutions.com/SU/KljZfslsh88rWzvlh7AJ98iog==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApxGvO9is11yD8g==
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/UJLsVqPZvBpSMYEMSsSpgQ==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBQP13Jplus7cw==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==

0460 Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==>

1220 Citizen Advisory Committees -
<https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCouqWB54wfA==>

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<https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==>

1330.1 Joint Use Agreements -
<https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==>

1340 Access To District Records -
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3280 Sale Or Lease Of District-Owned Real Property -
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3311.1 Uniform Public Construction Cost Accounting Procedures -
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3311.1 Uniform Public Construction Cost Accounting Procedures -
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3311.3 Design-Build Contracts -
<https://simbli.eboardsolutions.com/SU/0HUU7bdoQBq6ml3pX0HeFQ==>

3470 Debt Issuance And Management -
<https://simbli.eboardsolutions.com/SU/uaUO1PslshiQVjou0LbEBFgPg==>

3510 Green School Operations -
<https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjlPPfUw==>

3511 Energy And Water Management -
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3511.1 Integrated Waste Management -
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3514 Environmental Safety -
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3514 Environmental Safety -
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3517 Facilities Inspection -
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3517-E(1) Facilities Inspection -
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3550 Food Service/Child Nutrition Program -
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3550 Food Service/Child Nutrition Program -
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5030 Student Wellness -
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5141.7 Sun Safety -
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5142 Safety - <https://simbli.eboardsolutions.com/SU/Tq3INak59bTplusYdOwiq8t6g==>

5142 Safety - <https://simbli.eboardsolutions.com/SU/hIU2RlzNmFLY9ncLr0bzlQ==>

5142.2 Safe Routes To School Program - <https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QFYP8IA==>

5142.2 Safe Routes To School Program - <https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==>

5145.3 Nondiscrimination/Harassment - <https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==>

5145.3 Nondiscrimination/Harassment - <https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==>

5148 Child Care And Development - <https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==>

5148 Child Care And Development - <https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==>

5148.3 Preschool/Early Childhood Education - <https://simbli.eboardsolutions.com/SU/RTDH1giQv3plNi6GwaFYplusw==>

5148.3 Preschool/Early Childhood Education - <https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWTg==>

6117 Year-Round Schedules - <https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==>

6141 Curriculum Development And Evaluation - <https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==>

6141 Curriculum Development And Evaluation - <https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==>

6142.7 Physical Education And Activity - <https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==>

6142.7 Physical Education And Activity - <https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==>

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6145.2 Athletic Competition - <https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==>

6163.1 Library Media Centers - <https://simbli.eboardsolutions.com/SU/QOUjppuymAwZwqqwJNVcdg==>

6178 Career Technical Education - <https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==>

6178 Career Technical Education - <https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==>

7000 Concepts And Roles - <https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==>

7111 Evaluating Existing Buildings - <https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslshg==>

7131 Relations With Local Agencies - <https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLslslshg==>

7140 Architectural And Engineering Services - <https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsVWjWtpJ4pKRQ==>

7140 Architectural And Engineering Services - <https://simbli.eboardsolutions.com/SU/eplusxHoNRZuWE7z0AyyFABplusQ==>

7150 Site Selection And Development - <https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslshuVYRgMCbA==>

7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/9MaBvnOs2WPkshb54TqcMZQ==
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7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==
7212	Mello-Roos Districts - https://simbli.eboardsolutions.com/SU/cl8Zy2SNDA5mv3OCBleMCg==
7213	School Facilities Improvement Districts - https://simbli.eboardsolutions.com/SU/IC6pRujSmT8Rz8EilGqslshzA==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==
7214	General Obligation Bonds - https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZltK9cK5rUw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==

Policy 7150: Site Selection And Development

Status: ADOPTED

Original Adopted Date: 02/01/1999 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

The Governing Board believes that a school site should serve the district's educational needs in accordance with the district's master plan, as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

Before acquiring property for a new school or an addition to an existing school site, the Board, at a public hearing, shall either evaluate the property using state site selection standards specified in 5 CCR 14010 or, if a district advisory committee was appointed to evaluate the property, receive the committee's report of findings based on those standards. (Education Code 17211, 17251)

Environmental Impact Investigation for the Site Selection Process

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act, including any web site posting requirements. When evaluating district projects, the CEQA guidelines shall be used.

Environmental review documents, including a draft environmental impact report, environmental impact report, negative declaration or mitigated negative declaration, and public notice of the preparation and availability of such documents, shall be posted on the district's web site. (Public Resources Code 21082.1, 21092, 21092.2)

Agricultural Land

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

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

State References

Description

14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	California Department of Education: school facilities construction
CCP 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	Definition of self-certifying district - https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==

Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building - https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJsIshxw==
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998 - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17210-17224	School Sites; general provisions - https://simbli.eboardsolutions.com/SU/ur7JgI2vMeIWTcc3SCXTPA==
Ed. Code 17240-17245	New Schools Relief Act - https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZjg==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources References

	Description
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)
Website	Governor's Office of Planning and Research - https://simbli.eboardsolutions.com/SU/MvslshHMG1znUjWW5UoFHTJqQ==
Website	Department of Toxic Substances Control - https://simbli.eboardsolutions.com/SU/POmXdiUm5t3RqP4HNX5AFA==
Website	California Department of Education, School Site Selection and Approval Guide - https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSI3WgZk3FBYig==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, School Facilities - https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBncFeslshYA==

Cross References

	Description
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0IbYX5FOKNZRBttrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==

1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1npluoytHTIsM6ew==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCouqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMpLzpTd3ujpQ==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==
3311.2	Lease-Leaseback Contracts - https://simbli.eboardsolutions.com/SU/l8QSNdaRV09ZFslshUu78sxOA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjLPPfUw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
5142.2	Safe Routes To School Program - https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QFYP8IA==
5142.2	Safe Routes To School Program - https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==
7000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/CTyHH1b18WMYv7LT883UOw==
7131	Relations With Local Agencies - https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLslslshg==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPJ4pKRO==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/eplusxHoNRZuWE7z0AyyFABplusQ==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/kaWrYcZ4FrrfM0Djy8s6Fg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/qTqJJz7LWxdOXZSRTVLAA==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u1713Zp1VbXkw==
9323.2-E PDF(2)	Actions By The Board - https://simbli.eboardsolutions.com/SU/NjrqTVMZIQhYwjEpGbplusWWQ==

Regulation 7150: Site Selection And Development

Status: ADOPTED

Original Adopted Date: 11/01/2000 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

As part of the district's site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)
2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)
4. Make a written request for information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)
5. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.
6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law, including posting required notices to the district web site. (Public Resources Code 21000-21177)
7. Notify the California Department of Education in writing before acquiring title or leasing the site if the proposed site is within two miles of the air line of an airport runway or proposed runway. (Education Code 17215)
8. Conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 if the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Submit an annual summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)
3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)
4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

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Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==

Website [California Department of Education, School Facilities -
https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBncFeslshYA==](https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBncFeslshYA==)

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9323.2-E PDF(2)	Actions By The Board - https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGplusWWQ==

Bylaw 9100: Organization

Status: ADOPTED

Original Adopted Date: 09/01/1992 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within 15 days following the second Friday in December after the regular election. During all other years, the meeting may be held on any date in December, but no later than December 20th. (Education Code 35143)

During any year in which a regular election is conducted, the Board, at the regular meeting held immediately prior to the second Friday in December, shall select the day and time of the organizational meeting. For any other year, the day and time of the organizational meeting shall be selected at the last regular meeting held immediately before the annual meeting. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the Superintendent shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates
6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

Election of Officers

OPTION 1: The Board shall each year elect one of its members to be (clerk)/(vice president). This member shall be one who previously has not served in office, unless all the Board's members have previously served in office. After serving one year as (clerk)/(vice president), the elected member shall serve one year as president of the Board.

OPTION 1 ENDS HERE

OPTION 2: The Board shall each year elect its entire slate of officers.

OPTION 2 ENDS HERE

No Board member shall serve more than _____ consecutive year(s) in the same office.

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

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

State References

Ed. Code 35143
 Ed. Code 35145
 Ed. Code 5017
 Gov. Code 54953

Description

Annual organizational meetings; date and notice
 Public meetings
 Term of office
 Meetings to be open and public; attendance

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Website

Description

59 Ops.Cal.Atty.Gen. 619 (1976)
 68 Ops.Cal.Atty.Gen. 65 (1985)
 CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Cross References

9000
 9005
 9121
 9123
 9140
 9223
 9224
 9230
 9240
 9320
 9323

Description

Role Of The Board -
<https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==>
 Governance Standards -
<https://simbli.eboardsolutions.com/SU/b4OmvGoyuJpAPG4LxplusvkHQ==>
 President -
<https://simbli.eboardsolutions.com/SU/9DePeFAaWu91NRZNdGXD0Q==>
 Clerk -
<https://simbli.eboardsolutions.com/SU/qd29h4yh2vvJmtN56yncKQ==>
 Board Representatives -
<https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==>
 Filling Vacancies -
<https://simbli.eboardsolutions.com/SU/aCSlfcwxIXrZUQNe1slsheSZA==>
 Oath Or Affirmation -
<https://simbli.eboardsolutions.com/SU/tKaJJ9mLslsh1HTqv3M3Bmlbw==>
 Orientation -
<https://simbli.eboardsolutions.com/SU/zPgBfoLQTIvGXFVmx3IPVA==>
 Board Training -
<https://simbli.eboardsolutions.com/SU/xVjnBLTBhzybPslshMDYIWDZg==>
 Meetings And Notices -
<https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==>
 Meeting Conduct -
<https://simbli.eboardsolutions.com/SU/RAkJZH5h2NVGgOLslshw4BNKA==>