

**HAPPY VALLEY SCHOOL DISTRICT
BOARD OF TRUSTEES
October 12, 2022
Multi-Purpose Room
3:30 pm**

A. Approval of Agenda

B. Approval of Minutes- Regular Board Meeting, September 14, 2022

C. Community Input

Members of the audience are welcome to address the Board of Trustees at this time during the meeting regarding items not listed on this agenda. The Trustees may ask questions for clarity but cannot take action on those matters, if desired, until such matters are appropriately placed on a future agenda, according to law. Three minutes may be allotted to each speaker and a maximum of twenty minutes to each subject matter (Board bylaws 9323).

D. Board Report

E. Superintendent's Report

F. Staff Report

G. Student Report

H. Information Items

1. Explanation of Basic Aid

The Board will receive information regarding Basic Aid.

2. 2022-2023 LCAP and Budget Approval

The Board will receive information regarding the Santa Cruz County Office of Education's approval of Happy Valley's 2022-2023 LCAP and Budget.

I. Action Items

1. Board Policy Update

The Board will receive information regarding board policy updates and will consider approval of these.

2. Quarterly Status Report of Uniform Complaint

The Board will consider approval of the Quarterly Uniform Complaint report under the Williams Legislation- First Quarterly Report 2022-2023 School Year.

3. Local Indicators for Happy Valley School

The Board will consider approval of the Local Indicators for the 2022 California Dashboard. The State Board of Education (SBE) approved standards for the Local Indicators that support a local educational agency (LEA) in measuring and reporting progress within the appropriate priority area. During the LCAP approval, performance standards require an LEA to:

- Annually measure its progress in meeting the requirements of the specific LCFF priority.
- Report the results as part of a non-consent item at a regularly scheduled public meeting of the local governing board/body in conjunction with the adoption of the LCAP.
- Report results to the public through the Dashboard utilizing the SBE-adopted self-reflection tools for each Local Indicator.

The Local Indicators were uploaded to the Dashboard on October 1, 2022.

4. Revised Board Schedule

The Board will consider approval of a revised Board Schedule.

5. Student Internet Safety Agreement

The Board will consider for approval the confirmation of the CIPA (Children's Internet Protection Act) compliance: Using Lightspeed Relay Filtering through the Santa Cruz County Office of Education, Student Internet Safety Agreement, and Common-Sense Media for internet usage.

J. Consent Items

The Board will consider approval of vendor warrants paid since the last meeting.

K. Communications and Announcements

1. Oct. 15- Redwoods Gala and Auction, 3:00 pm, Bargetto Winery
2. Oct. 19- Parent Club Meeting, 6:30 pm, MPR or Via Zoom
3. Oct. 25- Make-Up Picture Day
4. Oct. 28- PeaceBuilder Assembly, 10:20 am Stage
5. Oct. 31-Halloween
6. Nov. 1- No School, Staff Development Day

L. Closed Session

Superintendent Goals

M. Report Out of Closed Session

N. Adjournment

**Happy Valley School District
Regular Board Meeting
September 14, 2022
MINUTES**

The meeting was called to order by the Board President at 3:31pm

BOARD MEMBERS PRESENT: Freeman, Frandle, Willet, Hodges

BOARD MEMBERS ABSENT: Click Richardson

STAFF MEMBERS PRESENT: Stewart, Lynd, Ruwe

STUDENTS PRESENT: Finn, Brennon

A. APPROVAL OF THE AGENDA

MSC HODGES/FRANDLE to approve the Board Meeting agenda as written. Unanimous.

B. APPROVAL OF THE MINUTES

MSC HODGES/WILLET to approve the minutes from the Regular Board Meeting August 24, 2022. Unanimous.

C. COMMUNITY INPUT

None.

D. BOARD REPORT

1. Katie Freeman informed the Board of a CSBA update that there is free 24/7 tutoring through the libraries for all California students.

E. SUPERINTENDENT'S REPORT

Michelle Stewart informed the Board of the following:

1. Tomorrow a trainer is coming in to support our teachers in Reader's Workshop. Several weeks ago Michelle trained the aides with Carey Ruwe.
2. As of today no COVID in school exposures.
3. Parent Club planning the Redwood Gala at Bargetto's Winery on October 15th. There are a lot of great items to bid on and highly encourages everyone to attend.
4. Attended a conference in Long Beach with third grade teacher Lindsey Doolan.
5. As of September 17th CDPH lifted the COVID vaccination requirement for employees. Will send a letter to families on Friday informing families of this change and that we will still highly recommend COVID vaccines for employees and volunteers.
6. Honored to present to the Small School District Association today about our district and all of the great things we have going on.

F. STAFF REPORT

Carey Ruwe informed the Board of the following:

1. TK/K doing social emotional work and excited about volunteers.

2. 2nd graders are going on a field trip to UCSC farm next week.
3. 3rd and 4th graders are going to the County Fair.
4. 4th graders did the flag ceremony last week.
5. 5th/6th graders are doing their first group project and earned their first marble party.

G. STUDENT REPORT

Brennon and Finn informed the Board of the following:

1. Spanish classes started.
2. Outdoor Science School is in two weeks.
3. There was a bobcat on campus.
4. Flag has been at half staff in memory of the Queen of England.
5. Buddies have started.

H. PUBLIC HEARING

MSC FRANDLE/WILLET to close the meeting for a Public Hearing at 3:44pm for the following. Unanimous.

1. SUFFICIENT TEXTBOOKS/INSTRUCTIONAL MATERIALS

Allowing comment on whether the district has supplied each student with sufficient textbooks and instructional materials to ensure a quality educational program.

2. ADOPTING THE GANN LIMITS

Allowing comment on whether the district establishes maximum appropriation limitations, commonly called the Gann Limit.

MSC HODGES/FRANDLE to reopen the meeting at 3:45pm there being no public comment. Unanimous.

I. INFORMATION ITEMS

1. ENROLLMENT AND INTER DISTRICT TRANSFER AGREEMENTS FOR 2022-2023

The Board received information regarding enrollment and inter-district transfer agreements for the 2022-2023 school year.

2. PARCEL TAX EXPENDITURES

The Board received information regarding 2021-2022 Parcel Tax Expenditures.

J. ACTION ITEMS

1. RESOLUTION 22-23-01, SUFFICIENT TEXTBOOK/INSTRUCTIONAL MATERIALS

MSC FRANDLE/HODGES to approve the Resolution 22-23-01, certifying that each student in grades K-6 has sufficient textbooks and instructional materials to ensure a quality educational program. Unanimous.

2. RESOLUTION 22-23-02, ADOPTION OF THE GANN

MSC HODGES/FRANDLE to approve resolution 22-23-02, which establishes maximum appropriation limitations, commonly called Gann Limits, for public agencies including school districts. Unanimous.

3. CERTIFICATION OF PROVISION OF STANDARDS-ALIGNED WITH INSTRUCTIONAL MATERIALS

MSC WILLET/HODGES to certify that each student in the district has been provided with a standards-aligned textbook or basic instructional material in History/ Social Studies, Mathematics, Reading/Language Arts, and Science. Unanimous.

4. UNAUDITED ACTUALS

MSC HODGES/FRANDLE to approve the Unaudited Actuals for 2021-2022. Unanimous.

5. APPROVAL OF 2022-2023 CARS FOR FUNDING FEDERAL PROGRAMS

MSC WILLET/FRANDLE to approve the Consolidated Application for Funding Federal Programs for 2022-2023. Unanimous.

6. SCIENCE CAMP

MSC HODGES/FRANDLE to approve the 6th grade class attending Outdoor Science School, from September 26, 2022 through September 30, 2022. Unanimous.

7. ROOM 2 COLOMA TRIP

MSC WILLET/FREEMAN to approve Room 2 overnight trip to Coloma. Unanimous.

I. CONSENT AGENDA

MSC FRANDLE/WILLET to approve the vendor warrants paid since the last meeting. Unanimous.

J. COMMUNICATION AND ANNOUNCEMENTS

1. September 20, 2022 - Picture Day
2. September 21, 2022 - Hearing and Vision Testing, 8:30am, MPR
3. September 21, 2022 - Parent Club Meeting, 6:30pm, MPR or Via Zoom
4. September 23, 2022 - PeaceBuilders Assembly, 10:20am, Stage
5. September 26, 2022 - September 30, 2022 - OSS, 6th Grade

K. CLOSED SESSION

The Board adjourned into closed session at 4:12pm to discuss Superintendent Goals.

L. REPORT OUT OF CLOSED SESSION

The Board reported out of closed session, at 4:52pm, nothing to report.

M. ADJOURNMENT

MSC HODGES/FRANDLE to adjourn the meeting, there being no further business, 4:53pm. Unanimous.

pl



SANTA CRUZ
COUNTY OFFICE OF
EDUCATION
DR. FARIS SABBAH • SUPERINTENDENT OF SCHOOLS

BOARD OF EDUCATION

Mr. Ed Acosta
Ms. Alyssa Alto
Ms. Rose Filicetti
Ms. Sandra Nichols
Ms. Sue Roth
Mr. Abel Sanchez
Mr. Bruce Van Allen

400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

September 15, 2022

Katie Freeman
President, Governing Board
Happy Valley Elementary School District
930 Granite Creek Road
Santa Cruz, CA 95065

Re: 2022-23 LCAP and Budget Approval and Comments

Dear Ms. Freeman:

In accordance with Education Code Sections 52070 and 42127, the Santa Cruz County Office of Education (SCCOE) has reviewed the Local Control Accountability Plan (LCAP) and Adopted Budget of the Happy Valley Elementary School District for fiscal year 2022-23.

Education Code requires the County Superintendent of Schools to approve the LCAP or annual update for each school district after determining all of the following:

- The plan adheres to the template adopted by the State Board of Education;
- The budget includes sufficient expenditures to implement the actions and strategies included in the plan, based on the projected costs included in the plan; and
- The LCAP adheres to the expenditure requirements for funds apportioned on the basis of the number and concentration of unduplicated students pursuant to Sections 42238.02 and 42238.03.
- The LCAP includes the required calculations to determine whether there is a carryover requirement pursuant to Education Code Sections 42238.07 and 52064 and, if applicable, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement {Education Code Section 52070(d)(4)}.

Education Code requires the County Superintendent to approve, conditionally approve, or disapprove the final adopted budget for each school district after doing the following:

- Examine the adopted budget to determine whether it complies with the standards and criteria established pursuant to Section 33127 and identify any technical corrections needed to bring the budget into compliance with those standards and criteria;
- Determine whether the adopted budget will allow the district to meet its financial obligations during the current fiscal year and is consistent with a financial plan that will enable the district to satisfy its multiyear financial commitments;

- Determine whether the adopted budget includes the expenditures necessary to implement the LCAP or annual update to the LCAP.

The district's 2022-23 Adopted Budget has been analyzed in the context of the guidance provided by the California County Superintendents Educational Services Association (CCSESA) and the California Department of Education (CDE).

The review included an assessment and analysis of the following major components of the district's report:

- Local Control Accountability Plan
- Average Daily Attendance (ADA) & Enrollment
- Unrestricted Ending Fund Balance and State Minimum Reserve
- Balances in Excess of Minimum Reserves
- Unrestricted Deficit Spending Trends
- Current and Multiyear Projections
- Staffing Projections/Salary Settlements
- Ending Cash and Monthly Cash Flow

Education Code 42127(h) specifies that "Not later than 45 days after the Governor signs the annual Budget Act, the school district shall make available for public review any revisions in revenues and expenditures that it has made to reflect the funding made available by the Budget Act." Please note that this section does not actually require districts to prepare a 45 Day revision, but only to make revisions publicly available if prepared. Best practice would dictate that districts show any material changes due to the Budget Act and indicate the impact to the ending fund balance. Please note, there is no requirement to update SACS or your multi-year projections. Since the State's Adopted Budget was signed on June 27, 2022, any 45 Day budget adjustments would have been made available for public review by August 11, 2022.

Assembly Bill (AB) 2756 requires school districts to submit copies of any study or reports that indicate signs or symptoms of fiscal distress to the County Office of Education. Should the district be issued any such reports or studies during the fiscal year, please submit them to the attention of Liann Reyes, Deputy Superintendent, Business Services as soon as they are available.

The analysis and comments regarding the LCAP and Adopted Budget are contained on the following pages.

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The 2022-23 LCAP provides an analysis of the impact of prior year actions and expenditures and a strategic plan to support students and staff in the coming year. Happy Valley is to be commended for supporting a strong connection between educational partner feedback and actions in the LCAP. The LCAP speaks to the importance of maintaining and strengthening social emotional learning and ensuring access for all students to garden, music and art. Additional actions reflect a commitment to literacy through an expanded library collection and readers' workshop curriculum.

The district is encouraged to continue to monitor the impact of actions towards goals through examining local assessment data.

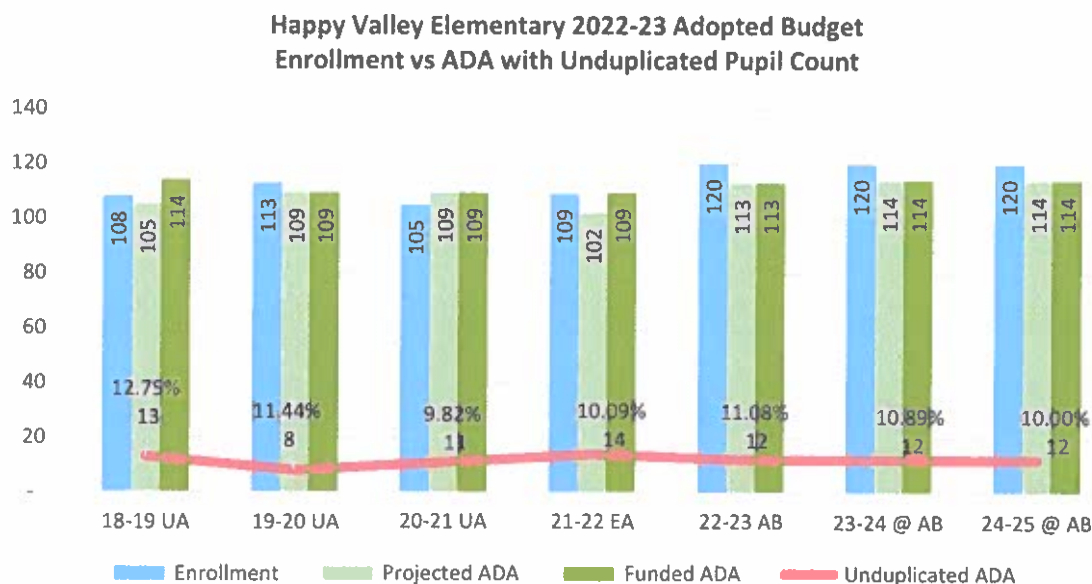
The district's board-approved LCAP will be posted on the Santa Cruz County Office of Education website after September 15, 2022.

ENROLLMENT, AVERAGE DAILY ATTENDANCE AND UNDUPLICATED PUPIL COUNT PROJECTIONS

The district is projecting an increase in enrollment of 11 students in the budget year to a total of 120. The district is projecting to remain flat for 2023-24 and 2024-25. For Basic Aid districts, the SCCOE will typically note how much of an enrollment increase the district would need to experience before it grows out of Basic Aid status. Based on data from the recently approved State budget, it is estimated that an increase of roughly six students over current 2022-23 projections would begin to push the district out of Basic Aid status in 2023-24. There are multiple variables in this calculation, including but not limited to, changes in property tax, ADA funding levels in each of the grade spans as well as ADA growth or decline.

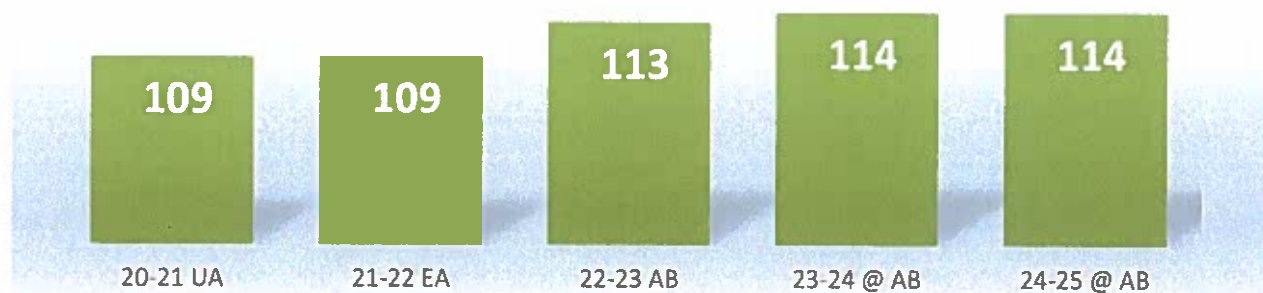
For the Local Control Funding Formula (LCFF) calculation, the district is projecting a funded ADA of 113 for the budget year, 114 for 2023-24 and 2024-25. Based on current law, funded ADA may be calculated using one of the following criteria: current year, prior year, or a three-year rolling average. The district's funded ADA for the budget year was calculated using the current year method. The district's ADA to enrollment ratio was 96.79% in 2019-20 and 97.31% the prior year. The district suffered the effects of the pandemic as evident with the 2021-22 ratio coming in at 93.64%. The district is being conservative by keeping the 2022-23 ratio at 94.17%, the 2023-24 at 95.00% and the 2024-25 fiscal year at 95.00%.

The district is Basic Aid and therefore the revenue is primarily derived from property taxes. However, it is still imperative to monitor the correlation between enrollment and ADA closely. Unduplicated Pupil counts remain relatively flat when compared to prior years. The following chart displays the district's enrollment, P-2 ADA, funded ADA and the unduplicated pupil percentage.



The chart below shows the district's funded ADA. It is important to monitor ADA closely as much of the County as well as the State continues to be in declining enrollment. This trend has been softened slightly by the addition of the Universal Transitional Kindergarten program.

Happy Valley Elementary 2022-23 Adopted Budget Basic Aid Average Daily Attendance Trend



UNRESTRICTED ENDING FUND BALANCE AND STATE MINIMUM RESERVE

As certified by the Governing Board, the district is projecting an unrestricted ending balance in the General Fund of \$1,103,831 in the current year, \$1,018,761 in 2023-24, and \$928,297 in 2024-25. The District's State Required Minimum Reserve percentage is 5.0% or \$92,692 for 2022-23. This district also maintains a balance in Fund 17, Special Reserve for Other Than Capital Outlay.

BALANCES IN EXCESS OF MINIMUM RESERVES

Education Code Section 42127(a)(2)(B) requires a statement of the reasons that substantiates the need for assigned and unassigned ending fund balances in excess of the minimum reserve standard for economic uncertainties for each fiscal year identified in the budget. Further, Education Code Section 42127 (d)(1) requires a county superintendent to either conditionally approve or disapprove a school district budget if the district does not provide the statement of reasons for public review and discussion at its public budget hearing. The district has complied with the above noted Education Code sections.

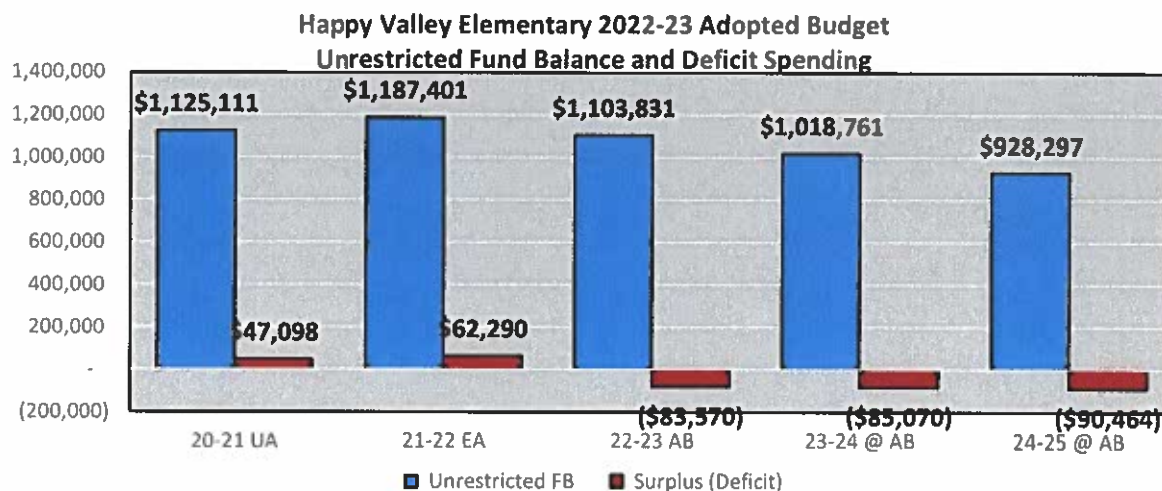
Education Code Section 42127.01 states that for the 2022-23 Adopted Budget, the district's ending fund balance will be capped at 10% using the assigned and unassigned ending balance within the General Fund 01 and Special Reserve Fund 17. Basic Aid districts and small school districts with fewer than 2,501 ADA are exempt from the requirement. As the district's ADA is fewer than 2,501 and is Basic Aid, it is exempt from this provision of the law.

UNRESTRICTED DEFICIT SPENDING

The district is projecting to deficit spend by \$83,570 in the unrestricted resources in the budget year, by \$85,070 in 2023-24 and by \$90,464 in 2024-25.

The State's established standard for deficit spending is one-third (1/3) of the district's available unrestricted reserve percentage. While the district's projected deficit spending is within the established state standard for the 2022-23 budget year, the district is cautioned against on-going deficit spending, other than one-time, planned expenditures.

The following chart displays the unrestricted general fund balance and projected deficit spending.



CURRENT AND MULTI-YEAR PROJECTIONS

The district's projection of revenues in the current and two subsequent fiscal years was reviewed and found reasonable. Expenditure projections for the current and two subsequent years also appear to be reasonable.

The district is in the fifth year of a six-year parcel tax. The district included \$52,173 for the budget year and 2023-24. At this time, the district intends to seek a new parcel tax, however all revenue and associated expenditures were absorbed by the general fund or removed from 2024-25 as the current parcel tax expires.

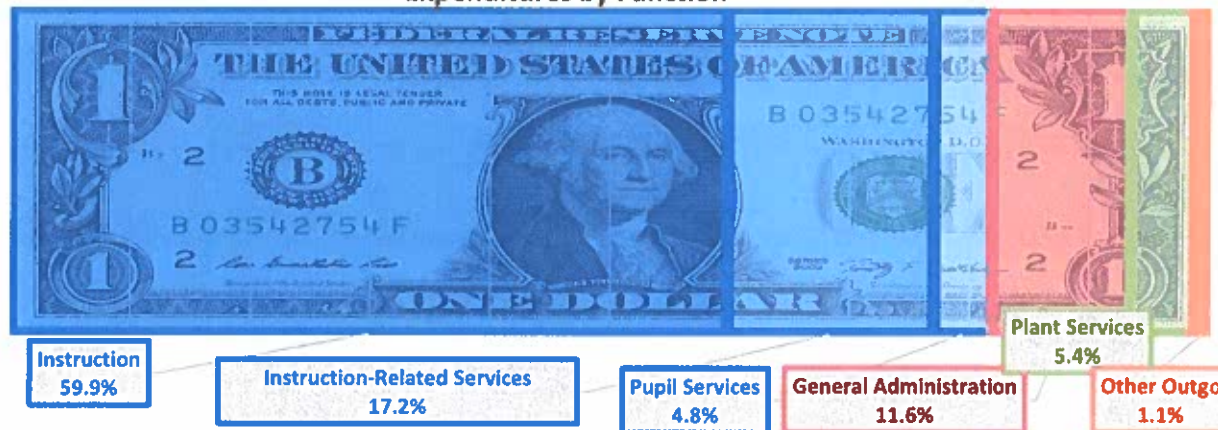
Contributions are projected to increase from \$17,660 to \$33,499 in the budget year which is an 89.7% increase when compared to estimated actuals. Contributions are projected to increase by 5.8% in 2023-24 and 13.8% in 2024-25. The contributions are to Special Education (83.63%) and the Parent Club donation account for the aide and the Arts and Music program (10.84%).

The following graphics provide a breakdown of expenditures by object code and then by function for the budget year.

Happy Valley Elementary 2022-23 Adopted Budget Expenditures by Object



Happy Valley Elementary 2022-23 Adopted Budget Expenditures by Function



STAFFING PROJECTIONS AND SALARY SETTLEMENTS

Negotiations are settled with the district's certificated bargaining unit for the budget year and those costs are included in the budget and MYP. The district also budgeted a \$100 annual increase in the health and welfare benefits cap.

Most of a school district's budget is spent on salaries and benefits. If these costs are growing at a rate faster than total expenditures, they will consume a disproportionately greater share of the district's resources, putting significant pressures on the rest of the budget. The percentage of unrestricted salaries and benefits to the total unrestricted general

fund expenditures for the budget year and multiyear projections are 78.3%, 79.2% and 79.6%.

The state's established standard for unrestricted salary and benefits ratio is based on plus or minus 5% of the average of the district's three prior years of unrestricted salaries to total unrestricted expenditures. The district's historical average ratio of unrestricted salaries and benefits to total unrestricted expenditures is 82.4%. As the budget and multi-year projections exceed the ratio plus 5% variance, the district is within the state's established standard.

ENDING CASH POSITION AND MONTHLY CASH FLOW

Our review of the cash flow provided indicates that the district will have a positive cash balance at the end of each month and at the end of the fiscal year.

APPROVAL STATUS

Based on this analysis, the district's LCAP and Budget for the 2022-23 fiscal year have been approved by the Santa Cruz County Superintendent of Schools.

If you have any questions about the LCAP, please contact Debi Bodenheimer, Associate Superintendent of Educational Services at (831) 466-5890 or Angela Meeker, Senior Director, District Support and Leadership at (831) 466-5806.

If you have any questions about the adopted budget, please contact Liann Reyes, Deputy Superintendent, Business, at (831) 466-5601 or Rebecca Olker, Executive Director, Fiscal Services at (831) 466-5630.

The district's budget will be re-evaluated at the First Interim reporting cycle to determine its certification.

Sincerely,



Dr. Faris Sabbah
County Superintendent of Schools

FS/rmh

c: Michelle Stewart, Superintendent, Happy Valley Elementary School District
Liann Reyes, SCCOE Deputy Superintendent, Business
Rebecca Olker, SCCOE Executive Director, Fiscal Services
Debi Bodenheimer, SCCOE Associate Superintendent, Educational Services
Angela Meeker, SCCOE Senior Director, District Support and Leadership

2022-23 Budget and LCAP Approval and Comments
Happy Valley Elementary School District
Page | 8

SANTA CRUZ COUNTY SCHOOLS
HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

FINANCIAL ANALYSIS OF GENERAL FUND UNRESTRICTED AND RESTRICTED MONIES

GENERAL FUND	2020-21				2021-22				2022-23				2023-24				2024-25			
	Unaudited Actuals		Estimated Actuals		Adopted Budget		Projected @ 22-23 AB		Projected @ 22-23 AB		Projected @ 22-23 AB		Projected @ 22-23 AB		Projected @ 22-23 AB		Projected @ 22-23 AB		Projected @ 22-23 AB	
	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted	Unrestricted	Restricted
Revenues:																				
8100-8999 Local Grant Funding Formula	\$ 1,178,173	\$ -	\$ 1,178,173	\$ -	\$ 1,213,885	\$ -	\$ 1,213,885	\$ -	\$ 1,248,155	\$ -	\$ 1,248,155	\$ -	\$ 1,282,905	\$ -	\$ 1,282,905	\$ -	\$ 1,318,482	\$ -	\$ 1,318,482	\$ -
8100-8999 Federal	24%		24%		20.2%		20.2%		22.8%		22.8%		22.9%		22.9%		22.9%		22.9%	
8100-8999 Other State	23,208		23,208		17,918		17,918		17,918		17,918		17,918		17,918		17,918		17,918	
8100-8999 Other Local	69,596		69,596		132,594		132,594		132,594		132,594		132,594		132,594		132,594		132,594	
8110-8999 Interfund Transfers In	-		-		-		-		-		-		-		-		-		-	
8130-8999 Other Sources	-		-		-		-		-		-		-		-		-		-	
8900-8999 Contributions	-		-		-		-		-		-		-		-		-		-	
Total Revenues, Transfers, and Other Sources	\$ 1,273,813	\$ 306,637	\$ 1,580,450	\$ 407,183	\$ 1,213,885	\$ 407,183	\$ 1,213,885	\$ 407,183	\$ 1,248,155	\$ 407,183	\$ 1,248,155	\$ 407,183	\$ 1,282,905	\$ 407,183	\$ 1,282,905	\$ 407,183	\$ 1,318,482	\$ 407,183	\$ 1,318,482	\$ 407,183
Expenditures:																				
2000-1999 Contracted Salary	\$ 636,855	\$ -	\$ 636,855	\$ -	\$ 576,041	\$ -	\$ 576,041	\$ -	\$ 625,357	\$ -	\$ 625,357	\$ -	\$ 653,206	\$ -	\$ 653,206	\$ -	\$ 648,809	\$ -	\$ 648,809	\$ -
2000-1999 Classified Salary	190,207		190,207		147,411		147,411		147,411		147,411		147,411		147,411		147,411		147,411	
2000-1999 Employee Benefit	254,793		254,793		267,235		267,235		267,235		267,235		267,235		267,235		267,235		267,235	
4000-4999 Books & Supplies	8,132		8,132		21,782		21,782		21,782		21,782		21,782		21,782		21,782		21,782	
5000-5999 Services & Other Operating Expenditures	851,846		851,846		223,317		223,317		281,399		281,399		276,324		276,324		271,431		271,431	
6000-6999 Capital Outlay	-		-		-		-		-		-		-		-		-		-	
7100-7299 Other Outlay	1.8		1.8		322		322		322		322		322		322		322		322	
7300-7399 Direct & Indirect Support	(7,448)		(7,448)		(8,732)		(8,732)		(6,999)		(6,999)		(7,935)		(7,935)		(8,023)		(8,023)	
7610-7629 Interfund Transfers Out	20,000		20,000		20,000		20,000		20,000		20,000		20,000		20,000		20,000		20,000	
7630-7699 Other Uses	-		-		-		-		-		-		-		-		-		-	
Other Adjustments (Form MIP)	-		-		-		-		-		-		-		-		-		-	
Total Expenditures, Transfers, and Other Uses	\$ 1,256,715	\$ 274,611	\$ 1,468,346	\$ 446,088	\$ 1,247,398	\$ 446,088	\$ 1,247,398	\$ 446,088	\$ 1,425,036	\$ 446,088	\$ 1,425,036	\$ 446,088	\$ 1,463,449	\$ 446,088	\$ 1,463,449	\$ 446,088	\$ 1,447,390	\$ 446,088	\$ 1,447,390	\$ 446,088
Excess (Deficiency)	\$ 47,098	\$ 67,026	\$ 112,104	\$ 63,095	\$ 66,487	\$ 63,095	\$ 66,487	\$ 63,095	\$ 23,119	\$ 63,095	\$ 23,119	\$ 63,095	\$ 19,456	\$ 63,095	\$ 19,456	\$ 63,095	\$ 71,092	\$ 63,095	\$ 71,092	\$ 63,095
Beginning Balance	\$ 1,078,013	\$ 96,720	\$ 1,174,732	\$ 1,074,732	\$ 1,125,111	\$ 1,074,732	\$ 1,125,111	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,103,831	\$ 1,074,732	\$ 1,103,831	\$ 1,074,732	\$ 1,018,761	\$ 1,074,732	\$ 1,018,761	\$ 1,074,732
Add Adjustments / Reservations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ending Balance	\$ 1,125,111	\$ 96,720	\$ 1,286,855	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,187,401	\$ 1,074,732	\$ 1,103,831	\$ 1,074,732	\$ 1,103,831	\$ 1,074,732	\$ 928,297	\$ 1,074,732	\$ 928,297	\$ 1,074,732
Platinum Reserve Fund per Other's Standards	3%		3%		3%		3%		3%		3%		3%		3%		3%		3%	
Reserve for Contingencies (Compared to OAS)	\$ 73,317	\$ -	\$ 73,317	\$ -	\$ 84,623	\$ -	\$ 84,623	\$ -	\$ 92,682	\$ -	\$ 92,682	\$ -	\$ 84,327	\$ -	\$ 84,327	\$ -	\$ 83,697	\$ -	\$ 83,697	\$ -
Nonspendable (Res. Cash, Prepaid, Stores)	150		150		150		150		150		150		150		150		150		150	
Restricted	63,745		63,745		163,746		163,746		163,746		163,746		163,746		163,746		163,746		163,746	
Committed	-		-		-		-		-		-		-		-		-		-	
Assigned	11,208		11,208		11,208		11,208		11,208		11,208		11,208		11,208		11,208		11,208	
Unassigned	1,113,292		1,113,292		1,187,251		1,187,251		1,103,831		1,103,831		1,018,761		1,018,761		928,297		928,297	
Excess (Deficiency) above state recommended RESU	1,124,961		1,124,961		1,187,251		1,187,251		1,103,831		1,103,831		1,018,761		1,018,761		928,297		928,297	
Contributions to Restricted Programs	-		-		-		-		-		-		-		-		-		-	
Special Reserve Fund 17 (RESU Only)	\$ 73,317	\$ -	\$ 73,317	\$ -	\$ 84,623	\$ -	\$ 84,623	\$ -	\$ 92,682	\$ -	\$ 92,682	\$ -	\$ 84,327	\$ -	\$ 84,327	\$ -	\$ 83,697	\$ -	\$ 83,697	\$ -

SANTA CRUZ COUNTY SCHOOLS
HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

FINANCIAL ANALYSIS OF GENERAL FUND

GENERAL FUND	2020-21	2021-22	2022-23	22-23 AB vs 21-22 EA	2023-24 Projected @ 22-23 AB	22-23 AB vs 23-24 PB	2024-25 Projected @ 22-23 AB	23-24 PB vs 24-25 PB
	Unaudited Actuals	Estimated actuals	Adopted Budget					
Revenues								
8010-8099 Local Control Funding Formula	1,178,173	1,213,885	1,248,155	2.82%	1,282,905	2.78%	1,318,492	2.77%
8100-8299 Federal	95,805	107,977	161,924	49.96%	52,933	-67.31%	52,933	0.00%
8300-8599 Other State	173,918	143,556	111,380	-22.41%	117,279	5.30%	119,010	1.48%
8600-8799 Other Local	132,574	229,189	160,498	-29.97%	86,332	-46.21%	34,159	-60.43%
8910-8929 Interfund Transfers In	-	22,242	38,791	74.41%	42,160	8.69%	42,160	0.00%
8930-8979 Other Sources	-	-	-	-	-	-	-	-
8980-8998 Contributions	-	-	-	-	-	-	-	-
Total Revenue, Transfers, and Other Sources	1,580,469	1,716,849	1,720,749	0.23%	1,581,609	-8.09%	1,566,754	-0.94%
Expenditures								
1000-1999 Certificated Salary	685,275	728,534	770,501	5.76%	718,240	-6.78%	708,812	-1.31%
2000-2999 Classified Salary	138,390	206,257	214,560	4.03%	201,232	-6.21%	205,256	2.00%
3000-3999 Employee Benefit	325,478	394,781	436,299	10.52%	403,524	-7.51%	404,856	0.33%
4000-4999 Books & Supplies	80,040	41,784	76,870	83.97%	52,955	-31.11%	49,091	-7.30%
5000-5899 Services & Other Operating Expenditures	217,037	300,786	335,284	11.47%	290,264	-13.43%	285,602	-1.61%
6000-6599 Capital Outlay	-	-	-	-	-	-	-	-
7100-7299 Other Outgo	126	322	322	0.00%	322	0.00%	322	0.00%
7300-7399 Direct & Indirect Support	-	-	-	-	-	-	-	-
7610-7629 Interfund Transfers Out	20,000	20,000	20,000	0.00%	20,000	0.00%	20,000	0.00%
7630-7699 Other Uses	-	-	-	-	-	-	-	-
Other Adjustments (from MYP)	-	-	-	-	-	-	-	-
Total Expenditures, Transfers, and Other Uses	1,466,346	1,692,464	1,853,837	9.53%	1,686,536	-9.02%	1,673,940	-0.75%
Excess (Deficiency)	114,123	24,385	(133,088)	-645.77%	(104,926)	-21.16%	(107,185)	2.15%
Beginning Balance	1,174,732	1,288,855	1,313,241	1.89%	1,180,153	-10.13%	1,075,227	-8.89%
Audit Adjustments / Restatements	-	-	-	-	-	-	-	-
Ending Balance	1,288,855	1,313,241	1,180,153	-10.13%	1,075,227	-8.89%	968,041	-9.97%
Reserves								
Minimum Reserve Level per Criteria & Standards	5%	5%	5%	0.00%	5%	0.00%	5%	0.00%
Recommended REU (Computed in CAS)	\$ 73,317	\$ 84,623	\$ 92,692	9.53%	\$ 84,327	-9.02%	\$ 83,697	-0.75%
Reserves per District (REU 9789)								
Nonspendable (Rev. Cash, Prepaid, Stores)	150	150	-	-100.00%	-	-	-	-
Restricted	163,745	125,840	76,321	-39.35%	56,465	-26.02%	39,744	-29.61%
Committed	-	-	-	-	-	-	-	-
Assigned	11,203	-	-	-	-	-	-	-
Unassigned	1,113,757	1,187,251	1,103,831	-7.03%	1,018,761	-7.71%	928,297	-8.88%
Excess (Deficiency) above state recommended REU	1,124,961	1,187,251	1,103,831	-7.03%	1,030,176	-6.67%	939,888	-8.76%
Contributions to Restricted Programs	-	17,660	33,499	89.69%	35,446	5.81%	40,323	13.76%
Special Reserve Fund 17	73,317	84,623	92,692	26.43%	95,741	3.29%	95,288	-0.47%

HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT
All Funds Summary
2021-22
Estimated Actuals

	01	13	17	25	57	Total All Funds
	General	Cafeteria	Special Reserve	Capital Facilities	Foundation	
Revenue						
8000-8099 Local Control Funding Formula	1,213,885	-	-	-	-	1,213,885
8100-8299 Federal Revenue	107,977	-	-	-	-	107,977
8300-8599 State Revenue	143,556	-	-	-	-	143,556
8600-8699 Local Revenue	229,189	-	1,500	4,737	38,893	274,319
Total Revenue	1,694,607	-	1,500	4,737	38,893	1,739,737
Expenditures						
1000 Certificated Salaries	728,534	-	-	-	-	728,534
2000 Classified Salaries	206,257	-	-	-	-	206,257
3000 Employee Benefits	394,781	-	-	-	-	394,781
4000 Books & Supplies	41,784	-	-	-	-	41,784
5000 Services & Other Oper.	300,786	-	-	-	-	300,786
6000 Equipment	-	-	-	-	-	-
7100-7299 Other Outgo (740X)	322	-	-	-	-	322
7300 Indirect Costs	-	-	-	-	-	-
Total Expenditures	1,672,464	-	-	-	-	1,672,464
Surplus (Deficit)	22,144	-	1,500	4,737	38,893	67,273
Other Sources/Uses						
89XX Transfers In	22,242	-	20,000	-	-	42,242
8930-8979 Other Sources	-	-	-	-	-	-
7610-7629 Transfers Out	20,000	-	-	-	22,242	42,242
7630-7699 Other Uses	-	-	-	-	-	-
Total Other Sources/Uses	2,242	-	20,000	-	(22,242)	-
Total Incr (Decr) in Fund Balance	24,385	-	21,500	4,737	16,651	67,273
Beginning Fund Balance	1,268,855	1	329,634	9,721	1,156,134	2,784,346
Audit Adjustments/Restatements	-	-	-	-	-	-
Ending Fund Balance	1,313,241	1	351,134	14,458	1,172,786	2,851,620
Deficit (Surplus) as % of Fund Balance	1.89%	0.00%	6.52%	48.73%	1.44%	2.42%

HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT
All Funds Summary
2022-23
Adopted Budget

	01	13	17	25	57	Total All Funds
	General	Cafeteria	Special Reserve	Capital Facilities	Foundation	
Revenue						
8000-8099 Local Control Funding Formula	1,248,155	-	-	-	-	1,248,155
8100-8299 Federal Revenue	161,924	-	-	-	-	161,924
8300-8599 State Revenue	111,380	-	-	-	-	111,380
8600-8699 Local Revenue	160,498	-	1,500	5,000	35,250	202,248
Total Revenue	1,681,958	-	1,500	5,000	35,250	1,723,708
Expenditures						
1000 Certificated Salaries	770,501	-	-	-	-	770,501
2000 Classified Salaries	214,560	-	-	-	-	214,560
3000 Employee Benefits	436,299	-	-	-	-	436,299
4000 Books & Supplies	76,870	-	-	-	-	76,870
5000 Services & Other Oper.	335,284	-	-	-	-	335,284
6000 Equipment	-	-	-	-	-	-
7100-7299 Other Outgo (7400)	322	-	-	-	-	322
7300 Indirect Costs	-	-	-	-	-	-
Total Expenditures	1,833,837	-	-	-	-	1,833,837
Surplus (Deficit)	(151,879)	-	1,500	5,000	35,250	(110,129)
Other Sources/Uses						
89XX Transfers In	38,791	-	20,000	-	-	58,791
8930-8979 Other Sources	-	-	-	-	-	-
7610-7629 Transfers Out	20,000	-	-	-	38,791	58,791
7630-7699 Other Uses	-	-	-	-	-	-
Total Other Sources/Uses	18,791	-	20,000	-	(38,791)	-
Total Incr (Decr) in Fund Balance	(133,088)	-	21,500	5,000	(3,541)	(110,129)
Beginning Fund Balance	1,313,241	1	351,134	14,458	1,172,786	2,851,620
Audit Adjustments/Restatements	-	-	-	-	-	-
Ending Fund Balance	1,180,153	1	372,634	19,458	1,169,245	2,741,491
Deficit (Surplus) as % of Fund Balance	-10.13%	0.00%	6.12%	34.58%	-0.30%	-3.86%



SANTA CRUZ
COUNTY OFFICE OF
EDUCATION
DR. FARIS SABBAAH - SUPERINTENDENT OF SCHOOLS

BOARD OF EDUCATION
Mr. Ed Acosta
Ms. Rose Filicetti
Ms. Sandra Nichols
Ms. Sue Roth
Mr. Abel Sanchez
Mr. Bruce Van Allen
Ms. Alyssa Wall

400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

September 15, 2022

Michelle Stewart, Superintendent
Happy Valley Elementary School District
3125 Branciforte Dr.
Santa Cruz, CA 95065

Dear Superintendent Stewart,

The Santa Cruz County Office of Education has received and completed a review of the Happy Valley Elementary School District Local Control and Accountability Plan (LCAP) and adopted budget for the fiscal year 2022-23. Pursuant to Education Code (ED) Section 52070 (d), the four criteria for LCAP approval include:

1. Adherence to the State board of Education (SBE) template (Education Code Section 52064)
2. The budget includes sufficient expenditures to implement the actions and strategies included in the plan ({Education Code Section 52070(d)(2)}).
3. The plan adheres to the expenditures requirements for funds apportioned on the basis of the number and concentration of unduplicated pupils (Education Code Section 42238.07 and Title 5, California Code of Regulations, Sections 15494-1549). .
4. The plan includes the required calculations to determine whether there is a carryover requirement pursuant to Education Code Sections 42238.07 and 52064 and, if applicable, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement {Education Code Section 52070(d)(4)}.

Your district's adopted LCAP has been analyzed in the context of the guidance provided by the California County Superintendents Education Services Association (CCSESA) and the California Department of Education (CDE). Based on our analysis, the district's LCAP for the 2022-23 fiscal year has been approved by the Santa Cruz County Superintendent of Schools.

Happy Valley is to be commended for supporting a strong connection between educational partner feedback and actions in the LCAP. The LCAP speaks to the importance of maintaining and strengthening social emotional learning and ensuring access for all students to garden, music and art classes. Additional actions reflect a commitment to literacy through an expanded library collection and readers' workshop curriculum.

In keeping with the goal of your LCAP as a coherent plan focusing on student achievement and closing the achievement gap, we encourage you to continue to monitor the impact of actions towards goals through examining local assessment data.

Your board-approved LCAP will be posted on the Santa Cruz County Office of Education website after Sept. 15, 2022 in addition to being posted on the district's website.

If you have any questions, please contact Debi Bodenheimer, Associate Superintendent at (831) 466-5890 or Angela Meeker, Senior Director at (831) 466-5806.

A handwritten signature in blue ink, reading "Faris Sabbah". The signature is fluid and cursive, with the first name "Faris" and last name "Sabbah" clearly distinguishable.

Dr. Faris Sabbah
County Superintendent of Schools

cc: Debi Bodenheimer, SCCOE Associate Superintendent, Educational Services
Angela Meeker, SCCOE Senior Director, District Support and Leadership

CSBA UPDATE CHECKLIST – September 2022

District Name: Happy Valley School

Contact Name: Michelle Stewart Phone: 429-4456 Email: mstewart@hvesd.com

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 3513.3	District Police/Security Department	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/> AND OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 3515.3	District Police/Security Department		
BP 4118	Dismissal/Suspension/Disciplinary Action		
AR 4118	Dismissal/Suspension/Disciplinary Action	OPTION 1: <input type="checkbox"/> OPTION 2: <input checked="" type="checkbox"/>	
BP 4119.1	Civil and Legal Rights		
BP 4219.1	Civil and Legal Rights		
BP 4319.1	Civil and Legal Rights		
BP 4140	Bargaining Units		
BP 4240	Bargaining Units		
BP 4340	Bargaining Units		
AR 4161.2	Personal Leaves		
AR 4261.2	Personal Leaves		
AR 4361.2	Personal Leaves		
AR 4161.5	Military Leave		
AR 4261.5	Military Leave		
AR 4361.5	Military Leave		
BP 4216	Probationary/Permanent Status		

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

Happy Valley

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 4218	Dismissal/Suspension/Disciplinary Action		
AR 4218	Dismissal/Suspension/Disciplinary Action		
BP 4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)		
BP 6146.1	High School Graduation Requirements	Fill in Blanks _____ _____ _____	N/A
AR 6146.1	High School Graduation Requirements	Delete AR <input type="checkbox"/> Yes <input type="checkbox"/> No	N/A.
BP 6158	Independent Study		
AR 6158	Independent Study		
BP 6164.2	Guidance/Counseling Services	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	N/A
BP 6178	Career Technical Education		N/A
AR 6178	Career Technical Education		N/A
BP 6200	Adult Education		N/A
AR 6200	Adult Education		N/A
BP 7110	Facilities Master Plan		
BP 7150	Site Selection and Development		
AR 7150	Site Selection and Development		

CSBA UPDATE CHECKLIST – September 2022

District Name: Happy Valley

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BB 9100	Organization	OPTION 1: <input type="checkbox"/> OPTION 2: <input checked="" type="checkbox"/> Fill in Blanks <hr/>	

Regulation 5117: Interdistrict Attendance

Status: DRAFT

Original Adopted Date: 04/17/2019 | Last Revised Date: 06/17/2020 | Last Reviewed Date: 06/17/2020

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5 117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:}
Ed Code 46600.2
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

In addition, the Superintendent/Principal or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence
10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment
12. When the student is the child (or step-child) or grandchild of full-time District employee

The Superintendent/Principal or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

If a student's interdistrict transfer request is denied, the Superintendent/Principal or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent/Principal or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined

in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
 2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.
 3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31
-

FOR NEW STUDENTS REQUESTING IDTS TO HVESD

Because of our Basic Aid status and small size, Happy Valley Elementary School District rarely accepts new Interdistrict Transfers (IDTs). Please call the school office if you are interested in having your child's name on a waitlist should spots open.

FOR RETURNING STUDENTS REQUESTING IDTS TO HVESD

As early as February 1 each year, parents may submit an IDT renewal request. Parents/guardians must first start in the district where their student resides. The IDT Request Form should be given to the student's home district who will forward the approved applications to Happy Valley Elementary School District .

When Happy Valley receives an IDT request, the following is taken into consideration:

- Available space in requested grade level/program. (See notes regarding capacity.)
- Student's attendance, behavior, and academic performance records from the previous year.

Parents/guardians will be notified as to the status of their transfer application by email or mail. ****Please note:** when capacity limits have been reached, the District may hold application approvals until August.

INTERDISTRICT TRANSFER DENIAL/REVOCATION

An interdistrict attendance permit may be denied or revoked by the Superintendent or designee for any of the following reasons:

1. Capacity limits have been reached at a particular grade level, school or program.
2. The attendance of the student would increase the district's class size above the maximums established by the State of California or above the maximums set in a negotiated teacher contract and place the district at risk of violating such standards;
3. The district does not have an appropriate educational program to meet the student's needs.
4. Unsatisfactory academic performance.
5. Unsatisfactory attendance.
6. Unsatisfactory behavior.
7. Providing incomplete, false or misleading information on the application. Furthermore, failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request.

8. Repeated disruptive or otherwise unsatisfactory conduct in violation of Education Code sections 48900 et seq.
9. Suspension from the district as authorized by Education Code sections 48900 et seq.
10. Recommendation for expulsion or expulsion from the district as authorized by Education Code sections 48900 et seq.
11. Any other lawful, non-arbitrary basis for the district to conclude it would be in the best interest of the student, the student's school, or the district for the interdistrict attendance permit to be revoked.

TIMELINES FOR INTERDISTRICT TRANSFER REQUESTS

- For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
- For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction for the school year for which transfer is sought.

CAPACITY LIMITS

Capacity limits are intended to allow space for **NEW** resident growth. These capacity limits are intended to allow space for district residents who enroll during the summer, or who enroll in the program(s) during the school year. Capacity limits here are set for interdistrict transfer purposes only.

1. Capacity is based on the actual enrollment figures of current residents and continuing students for the requested transfer year, or the anticipated enrollment figures available as of February 1 (or the date of the application, whichever is later).
2. For all student programs, capacity shall be reached when the relevant grade level, program, classroom, or the school's enrollment reaches ninety percent (90%) of the total capacity.
3. As the district establishes new or different classes or programs for which a capacity limit is not included herein, it may establish appropriate capacity for any such class or program.

Upon reaching capacity in a particular grade or program, the student's parent/guardian will receive a notice of decision denying the application and advising that the student's name may be placed on a waiting list. If the number of pending applications exceeds capacity in a grade or program, the order of consideration will be as follows:

1. Students who have been the victim of documented bullying in accordance with Education Code section 48900(r). Students who have one or more parents employed by the district.

2. Students who have been enrolled in the district in the school year immediately preceding the requested year of transfer.
3. Students who have one or more siblings currently enrolled in the district.

After applying the priorities set forth above, in the event of a tie, a lottery will be held to determine the relative priority of the applications.

APPEAL PROCESS

If an IDT Application is denied by the Superintendent or designee, the parents/guardians of the student may appeal to the HVESD School Board within 30 days of the notification of the IDT denial. The hearing will be held at a regularly scheduled board meeting. If the denial is upheld, the parents/guardians may appeal to the County Board of Education within 30 days of the HVESD School Board Meeting. (Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

CSBA POLICY GUIDE SHEET

September 2022

Note: Descriptions below identify revisions made to CSBA's sample board policies, administrative regulations, board bylaws, and/or exhibits. Editorial changes have also been made. Districts and county offices of education should review the sample materials and modify their own policies accordingly.

Board Policy 3515.3 – District Police/Security Department

Policy updated to clarify that a job description delineating the duties of district police or security officers is required to be approved by the Governing Board and reflect **NEW LAW (SB 906, 2022)** which requires district police and security officers, when notified by a school official of a threat or perceived threat that a student is preparing to commit a homicidal act related to school or school activity, to immediately conduct an investigation and assessment of the threat or perceived threat. Policy also updated to add characteristics for which discrimination by district police or security officers is prohibited, and expand the list of tactics district police or security officers are required to use to minimize the use of force.

Administrative Regulation 3515.3 – District Police/Security Department

Regulation updated to clarify that the district is required to provide each security officer with the latest course of training, as specified, and include the definition of “carotid restraint” and “choke hold”. Regulation also updated to amend the policy requirements that district police departments are required to maintain by (1) rearranging material to keep related content together, (2) adding that officers carry out duties in a manner that reflects cultural competency, (3) providing that there are procedures to prohibit an officer from training other officers for at least three years from the date that an abuse of force complaint against an officer is substantiated, and (4) reflecting **NEW LAW (AB 26, 2021)** which requires the policy maintained by district police departments to include that (a) officers report potential excessive force immediately, (b) an officer may not be retaliated against when reporting a suspected violation of law or regulation of another officer or supervisor, and (c) an officer who fails to intercede be disciplined up to and including in the same manner as the officer who used excessive force. Additionally, regulation updated to reflect **NEW LAW (AB 486, 2021)** which requires full-time district police officers, and public safety dispatchers as specified, to serve in a probationary status for not less than one year from the date of appointment to the full-time position in order to receive permanent classified service status.

Board Policy 4118 – Dismissal/Suspension/Disciplinary Action

Policy updated to reflect **NEW COURT DECISION (Kennedy v. Bremerton School District)**, in which the U.S. Supreme Court held that the district’s decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee’s free exercise and free speech rights. Policy also updated to include language formerly in AR that prohibits the disciplining of any employee for protecting a student who is exercising a free speech or press right.

Administrative Regulation 4118 - Dismissal/Suspension/Disciplinary Action

Regulation updated to move, from AR to BP, material which prohibits the disciplining of an employee for acting to protect a student’s right to free speech or press, and to make clarifying changes throughout.

Board Policy 4119.1/4219.1/4319.2 – Civil and Legal Rights

Policy updated to reflect **NEW COURT DECISION (Kennedy v. Bremerton School District)**, in which the U.S. Supreme Court held that the district’s decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee’s free exercise and free speech rights. Policy also updated to include types of retaliation prohibited when an employee is acting solely to protect a student engaged in conduct authorized by Education Code 48907 (freedom of speech and press) or 48950 (speech and other communication), and clarify that an employee is prohibited from using official authority status or influence to attempt to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee’s right to disclose improper governmental activity.

Board Policy 4140/4240/4340 – Bargaining Units

Policy updated to reflect **NEW LAW (SB 270, 2021)** which allows a district 20 days to cure a violation of the district's employee information disclosure obligation when the district is notified by an employee organization, and limits district opportunity to cure a violation that involves the provision of an inaccurate or incomplete list to three times in any 12-month period. Policy also updated to reflect **NEW LAW (SB 191, 2022)** which provides additional obligations for a district when an "inperson orientation" cannot be held by the district. Additionally, policy updated to include heading change from "Access to Employee Orientations" to "Access to New Employee Orientations, and to clarify language in this section and in "Formation of Bargaining Unit" section.

Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves

Regulation updated to reflect **NEW LAW (SB 294, 2021)** which clarifies that leave of absence granted an employee to serve as an elected officer of an employee organization is in addition to other leaves to which the employee may be entitled by law or agreement and **NEW LAW (AB 1033, 2021)** which defines "parent" to include "parents-in-law." Regulation also updated to change heading "Legal Duties" to "Leave to Perform Legal Duties" and to make clarifying changes throughout.

Administrative Regulation 4161.5/4261.5/4361.5 – Military Leave

Regulation updated to include explanatory notes for the "Pension Plan Service Credit" and "Employment Status" sections, clarify language throughout, and delete dated and unnecessary material.

Board Policy 4216 – Probationary/Permanent Status

Policy updated to reflect **NEW LAW (AB 486, 2021)** which requires full-time district police officers, and public safety dispatchers as specified, to serve in a probationary status for not less than one year from the date of appointment to the full-time position in order to receive permanent classified service status, and **NEW LAW (SB 874, 2022)** which extends to districts that have adopted the merit system the requirement that a permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position be employed in the classification from which the employee was promoted.

Board Policy 4218 - Dismissal/Suspension/Disciplinary Action

Policy updated to reflect **NEW COURT DECISION (Kennedy v. Bremerton School District)**, in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee's free exercise and free speech rights. Policy also updated to include language formerly in AR that prohibits the disciplining of any employee for protecting a student who is exercising a free speech or press right, and to clarify language within the "Procedures for Serious Disciplinary Proceedings" section.

Administrative Regulation 4218 - Dismissal/Suspension/Disciplinary Action

Regulation updated to move, from AR to BP, material which prohibits the disciplining of an employee for acting to protect a student's right to free speech or press, and to make clarifying changes throughout.

Board Policy 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System)

Policy updated to reflect **NEW COURT DECISION (Kennedy v. Bremerton School District)**, in which the U.S. Supreme Court held that the district's decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games violated the employee's free exercise and free speech rights. Policy also updated to reflect Education Code 48907 and 48950 that prohibit districts from disciplining any employee acting to protect a student who is exercising their free speech or press right.

Board Policy 6146.1 – High School Graduation Requirements

Policy updated to move to the beginning of the policy students' obligation to complete statewide and Governing Board adopted graduation requirements unless exempted from local requirements, and include eligibility for students exempt from local requirements to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate. Policy also updated to reflect **NEW LAW (AB 101, 2021)** which (1) no longer authorizes a course in career technical education to serve as an alternative to the visual or performing arts or world language course requirement for high school

graduation, and (2) requires, beginning with the 2029-30 school year, a student to complete a one-semester course in ethnic studies, as specified, to graduate from high school. Additionally, policy updated to reflect **NEW LAW (AB 181, 2022)** which requires districts to (1) exempt eligible students with disabilities from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements and award such students a high school diploma, and (2) notify the parents/guardians of eligible students of such exemption, as specified. Policy also updated to delete material applicable only to the 2020-21 school year, and to incorporate material from the accompanying AR, as the AR is being deleted as otherwise unnecessary.

DELETE – Administrative Regulation 6146.1 – High School Graduation Requirements

Regulation deleted as unnecessary with key concepts incorporated into the BP.

Board Policy 6158 – Independent Study

Policy updated to reflect **NEW LAW (AB 181, 2022)** which (1) encourages districts to consider offering more than one independent study model for short- and long-term placements when adopting policy, (2) changes the threshold for when tiered reengagement strategies are required to be implemented, (3) adds that tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, (4) includes that the requirement to develop a plan to transition students whose families wish to return to in-person instruction, as specified, applies to students who participate in independent study for at least 15 school days, (5) creates an exemption from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements for any student who is enrolled in classroom-based instruction and 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, (6) specifies that a signed written/learning agreement be obtained before the student begins independent study for students participating in independent study for 15 school days or more, and within ten school days of the first day of the student's enrollment for student participation of less than 15 school days, (for both traditional and course-based independent study), (7) adds that for students with disabilities the certificated employee designated as having responsibility for the special education programming of the student is required to sign the written/learning agreement, (for both traditional and course-based independent study), and (8) includes that a student with disabilities may participate in a course-based independent study program if the student's individualized education program specifically provides for such participation. Policy also updated to (1) move and expand material regarding the requirement for Governing Boards to hold a public hearing when setting policy, as specified, (2) emphasize that no student may be required to participate in independent study, (3) clarify that for course-based independent study procedures tiered reengagement strategies are not required to include notification to parents/guardians of lack of participation within one school day of the absence or lack of participation, and (4) delete material applicable only to the 2021-22 school year.

Administrative Regulation 6158 – Independent Study

Regulation updated to reflect **NEW LAW (AB 181, 2022)** which (1) no longer includes individualized alternative education designed to teach the knowledge and skills of the core curriculum in the list of educational opportunities that may be provided through independent study, (2) includes that a student with disabilities may participate in independent study if the student's individualized education program specifically provides for such participation, (3) specifies that 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 individualized education program (IEP) team is required to make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement, (4) provides that a student's inability to work independently, need for adult support, or need for special education or related services does not preclude the IEP team from determining that the student can receive FAPE in an independent study placement, (5) clarifies that, until July 1, 2024, any student 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 by means of the virtual program, as specified, and (6) creates an exception to the limitation on the percentage of students enrolled in a continuation high school or opportunity school or program who are eligible for apportionment credit for independent study for students participating in independent study due to an emergency, as specified. Regulation also updated to clarify that if a student transfers to another public school in California, a written

record of findings from any evaluation conducted because a student has failed to make satisfactory educational progress be forwarded to that school. Additionally, regulation updated to delete material pertaining to adult education and that which is applicable only to the 2021-22 school year.

Board Policy 6164.2 – Guidance/Counseling Services

Policy updated to expand the Governing Board's philosophical statement to include student well-being, and reflect **NEW LAW (AB 2508, 2022)** which (1) urges districts to adopt a comprehensive educational counseling program and, for districts that provide such services, to implement a structured and coherent counseling program within a Multi-Tiered Systems of Support framework, (2) revises the definition of "educational counseling," (3) amends the legislative intent of the responsibilities of school counselors, (4) requires educational counseling to include specified postsecondary services, and (5) revises the components that educational counseling is required and authorized to include. Policy also updated to reflect **NEW LAW (AB 643, 2021)** which encourages districts to host apprenticeship and/or career technical education fair events, such as college and career fairs and for districts that do hold such events to notify apprenticeship programs in their county, as specified. Additionally, policy updated to move material regarding early identification and intervention plans for students who may be at risk for violence.

Board Policy 6178 – Career Technical Education

Policy updated to move material regarding career technical education program components to be with related content, reflect **NEW LAW (AB 101, 2021)** which no longer authorizes a course in career technical education to serve as an alternative to the visual or performing arts or world language course requirement for high school graduation, and reflect **NEW LAW (AB 643, 2021)** which encourages districts to host apprenticeship and/or career technical education fair events, such as college and career fairs, and for districts that do hold such events to notify apprenticeship programs in their county, as specified.

Administrative Regulations 6178 – Career Technical Education

Regulation updated to reflect **NEW LAW (AB 1923, 2022)** which includes science, technology, engineering, and mathematics courses as required alternative courses that must be offered to students participating in partnership academies.

Board Policy 6200 – Adult Education

Policy updated to reflect **NEW LAW (AB 486, 2021)** which repeals the authorization for districts in sparsely populated areas to participate in the adult education program administered by the county office of education. Policy also updated to (1) expand the Board's philosophical statement, (2) move material regarding the district's participation in a consortium to be with newly added material of similar content, (3) include that the Board may authorize an adult education student pursuing a high school diploma or a high school equivalency certificate, upon recommendation of the student's adult school or noncredit program of attendance, to attend a community college during any session or term as a special part-time student, and (4) provide that a district may, with the approval of the County Superintendent of Schools and the Superintendent of Public Instruction, contract with another district to provide adult education instruction if the district has an adult school or classes but is unable to maintain that school or class(es) because of an inability to secure a teacher(s) or because of a lack of facilities.

Administrative Regulation 6200 – Adult Education

Regulation updated to reorder material related to enrollment, clarify that the exception to the requirement for adult education classes to be located in a facility which is identified as being open to the general public is for programs for adults with disabilities, reflect **NEW LAW (AB 486, 2022)** which (1) changes the classes/courses which are authorized for apportionment purposes from the Adult Education Program funds, (2) includes that programs for immigrants may include immigrant integration, (3) repeals that a course taken through independent study be required to meet state or local high school graduation requirements, and (4) repeals the authorization for materials purchased from the incidental expense account to be sold to adult school students for use in their classes. Regulation also updated to clarify that programs offering pre-apprenticeship training activities be conducted in coordination with apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area, provide that approval for courses be submitted to the California Department of Education regularly, emphasize that no student may be required to participate in independent study, delete material regarding continued engagement in K-12

independent study as not being applicable to this AR, include that fees may be required for enrollment in adult education class(es) before listing the exceptions, and amend language to be more closely aligned with law.

Board Policy 7110 – Facilities Master Plan

Policy updated to recognize the importance of teacher housing needs, and reflect **NEW LAW (AB 306, 2021)** which adds the definition of “residential housing” as it applies to district facilities, excludes from the definition of “school building” any building used or intended to be used by a district as “residential housing,” and specifies that the Department of General Services is not required to approve residential housing for earthquake safety and access by persons with disabilities.

Board Policy 7150 – Site Selection and Development

Policy updated to add material regarding the Governing Board’s obligations when evaluating property prior to acquiring a new school or an addition to an existing school site, and reflect **NEW LAW (AB 819, 2021)** which requires the district to post specified environmental review documents.

Administrative Regulation 7150 – Site Selection and Development

Regulation updated to specify that the request for information to evaluate the safety of a proposed site be in writing, and reflect **NEW LAW (AB 819, 2021)** which requires the district to post specified environmental review documents.

Board Bylaw 9100 – Organization

Bylaw updated to reflect **NEW LAW (AB 486, 2021)** which changes the date requirements for districts to hold their annual organizational meeting.

MINOR REVISION:

Board Policy 4030 – Nondiscrimination in Employment

Policy updated to make a minor revision by adding a note which reflects **NEW COURT DECISION** (Kennedy v. Bremerton School District), in which the U.S. Supreme Court held that the district’s decision not to rehire a high school coach who refused to follow district direction to refrain from offering prayers openly in the presence of students after football games, violated the employee’s free exercise and free speech rights.

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/kBDCgRBUWNp7GLr6TxJHw==
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

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/UthFHUIU2yEDvIMpPVrtBA==>

Website

California State Threat Assessment System - <https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJKHzwyPRczQ==>

Website

California Office of Emergency Services - <https://simbli.eboardsolutions.com/SU/UthFHUIU2yEDvIMpPVrtBA==>

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==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DpKuytasYcv9khGiA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBFerqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEqW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasishm6slshY5Cfge==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnQ8gWH3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKcUUNwljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllLrBjXYxC1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplplusMOhG2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslshQMqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/xk6nP3aXfj2ageGZ0AOmOg==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/W9sHaOeyXdMt7s7M5j1yOA==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUF5sb7fbslshw==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Fbffmbg==

3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIIKtBcZcF8v5agg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMslshxLI2YOPYoMMU2U7w==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/OpnpJJzNQsT3BV52tb62ng==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/hxZXZIYilYEFhH5M7TMUJA==
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==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcplusn8LplusKslshvfw==
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==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/zjABYczxbSgUrgjxcPkAw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDQ75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/Kj0YndqnU7HBTTrG0G6IY9g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbAU8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZlCOMkqEEHCuVAlA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tksxldyA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHzvFGuA==
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/Kp3DemXWMr4slshb8EnhyJPw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRIduplushLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwztUJHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslszhAQ==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APopluA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIQeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKyNOw==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgK17TuV2j8Xw==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRiGezdpYQ==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/jrl5bO4AWpluswiY5aDrqHFfg==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnsishRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdyu7jm2Q==
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==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/4gj8plusAr0XYZADWShtU6Wg==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/1mKDsslsrFqplus5pUTKIMeNd9A==

4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVQF9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrQqplus8VkhAQ==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxlFwsCfulcQVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusQ4Wvu2g==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslshWA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DFVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxNplusAspEj9Zg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/yIMR7ZJqIMYtCxVbaEWnTQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqlPaQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/J2plusQxKCdQp6eCW0ucjhxKw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/KtRGnZAuG4slshHbkrgYBgOIA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/D3S2sSplusJHslshY8cNhvZ66HVg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdjQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/Y0wISXVzp0Td7hpglStplusw==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUHPTbrdfxL6JpCuQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==
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==

5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/RdYWsxrRSTslCkcLeACm0A==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kUSWh8nIAjslshplusgHF91pEC6g==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/a0plusNVDz9UuWKnGW6XLW4rA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/Axq9yVbrivLTpsYmbr6dNw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdsish69Uc64Uvliuo5C1RewQ==

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/PcUFWMcCJnzBrKAL0EtQ==
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

Management Resources References

California Attorney General Publication	Description 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/CX8ou4hFcTRJKHzyPRczQ==
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==
Website	California Attorney General's Office - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

0410	Description Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBtrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZFoW4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasishm6slshY5CfG==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCTUNwljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzlplusMOBG2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslshQMqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTq3yI0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/xk6nP3aXfj2ageGZ0AOmOg==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/W9sHaQeyXdMt7s7M5j1yOA==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUF5sb7fbslshw==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Ebffmbg==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIJKtBcZcF8v5agg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMslshxLI2YOPYoMMU2U7w==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/0pnpJJzNQsT3BV52tb62ng==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/hxZXZIYiIYEfhH5M7TMUjA==
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==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswf==

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==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/zjAByCzxbSggUrgixcPkAw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDQ75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOgyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6IY9g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8IA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZIComkqEEHCuVAlA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tkxldyA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHzvFGuA==
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==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyCOYsslszAQ==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKyNOw==

4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphmQ5nyuDFSTUwAmg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTa5gKJ7TuV2j8Xw==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRlGezdpYQ==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/jrL5bO4AWpluswiY5aDrqHFlg==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1njs8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKlIYnslshRBAHkptw==
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==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/4gj8pluskAr0XYZADWShtU6Wg==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/1mKDsslshrFqplus5pUTKIMeNd9A==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvyObg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVQE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SvqQrOqplus8VkhAQ==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxlFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslshWA==

5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StbVcQXvoig==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxNplusAspEj9Zg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/yIMR7ZJqIMYtCxVbaEWnTQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqIPaQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/J2plusQxKCdQp6eCW0ucjhxKw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/KtRGnZAuG4slshHbkrqYBgOIA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/D3S2sSplusJHslshY8cNhvZ66HVg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/Y0wISXVzp0Tdg7hpglStplusw==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUhpTbrdfxL6JpCuQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==
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==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/RdYWsxrRSTsICkcLeACm0A==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kUSWh8nIAjslshplusgHF91pEC6g==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/a0plusNVDz9UuWKnGW6XLW4rA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/Axq9yVbrlvLTpsYmbr6dNw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdsish69Uc64UyIuo5C1RwQ==

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
 Gov. Code 3543.2
 H&S Code 11054
 H&S Code 11055
 H&S Code 11056
 H&S Code 11357-11361
 H&S Code 11363
 H&S Code 11364
 H&S Code 11370.1
 Pen. Code 11165.2-11165.6
 Pen. Code 1192.7
 Pen. Code 187
 Pen. Code 291
 Pen. Code 667.5

Hearing
 Scope of representation
 Schedule I; substances included
 Schedule II; substances included
 Schedule III; substances included
 Marijuana
 Peyote
 Opium
 Possession of controlled substances with a firearm
 Child abuse or neglect; definitions
 Plea bargaining limitation
 Murder
 School employees arrest for sex offense
 Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution

Description

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

Management Resources References

Commission on Teacher Credentialing Publication
 Court Decision
 Court Decision
 Court Decision
 Website
 Website
 Website
 Website
 Website
 Website

Description

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
 Kennedy v. Bremerton (2022) 142 S.Ct. 2407
 Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
 Morrison v. State Board of Education (1969) 1 Cal.3d 214
 Office of the Attorney General - <https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>
 Office of Administrative Hearings - <https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTih3V79tXg==>
 Department of General Services, About Teacher Dismissal Case Type - <https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljrl.eA==>
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==>
 Commission on Teacher Credentialing - <https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==>
 CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

1114
 1114
 1312.1
 1312.1

Description

District-Sponsored Social Media - <https://simbli.eboardsolutions.com/SU/GPX87YasvLIgrwrAjTkQsG==>
 District-Sponsored Social Media - <https://simbli.eboardsolutions.com/SU/yjVOrBCGm2rPCjkELGVV5A==>
 Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/dlGslshefvOqyWh8DLTuprGWw==>
 Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/ZCplusrqf8QJfVdSVFedfwjAA==>

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/sDRNJKOFJdr6rBfMAplushMplusg==
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/htmlpluswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDckQsxpwnclpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PDQMCVslshDCYPHDWjcAvbVoQ==
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==
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/3Md2dsishuyFrpXYhjStkTrQw==
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/sILMslshxLI2YOPYoMMU2U7w==

4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPzplusoEf8llQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKrYP8gpluag==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsyXel4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVykql7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEl7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVI8pLyA79vr9rhw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrcwplun8LplusKslshvswfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluawjz==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwz2vjW3Eg==
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/YXWh5JjlsC6OnRyofY3lEw==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/vrsIQSKabKdr9XdJcOBqDw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cpluadbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QRcWQUtgJcCDcHbkg2lRQ==
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/rOB42ElpiyuEXBil5SctVQ==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xOg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plurWMBTlVdlsvy==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsF5gPwQ==
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/FkeMlvswqn3LcJldgUB9slshA==

4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/QZOYyuTYMNI2Ja28meyerEQ==
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/wSbplusNsishzmwrtp8Du1J7fxoGg==
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/pCyFLiyDAxQFxxk8hUbsHFA==
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/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZlCOMkqEEHCuVAIA==
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==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/VEmAxxF6VTwEh7mmLHH7xg==
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==
4219.25	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/3ofwf9BJayE72l4RVodplusplusQ==
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/HilDt0mq6toKw0vAGRcktA==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5Exjpluss6yHnQMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmni4J0iqDWVDL3QkrzA==
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/xTiwiJO7zP5pnvwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDESTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
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==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3lKplus4knVTnOQUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQA9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKlIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1U27Fg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBWQq0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktllQ4qOhdfVilFg1dcww==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ecU45JtmfvVslshKkdepBplusjg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/Gok7chDslshO0cPN2xYIVjhsishg==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/Xl9iCOEKKDimRslshJXsBtkkg==
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/u6TpxPrplusLKlUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tcIULDJ5tC01jFJvlegqoA==
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/Qqh1ZB30DjclIxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87l1DiM4BuNlpmMp4jw==
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/6BM2yTUYAw67FplusFDpspluslNA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplumwwwksFJslufmMFbAXQvQ==
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/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlUeueBo4hUlBQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==
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/be0JrP9vB8YKcFI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhmM9N9pNBtQtA==
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/8aBsishkYpCeLkOFfduR9FF4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjOyqvirA==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabQZPNg==
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
-------------------	--

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/9nslshuTpTNHO70H14ljrlLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==

Cross References

	Description
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLIgrwrAJTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshefvQqyWh8DLTuprGWw==

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfvdSVFedfwjAA==
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/sDRNJKOFJdr6rBfMAplushMplusg==
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/htmlpluswvNopsrGRvHnZmL57Q==
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==
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/gq3plusa7wsEW6qMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943QTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStkTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpYRGUqP8hQ==
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/slLMslshxLI2YOPYoMMU2U7w==
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/plusx1slshGxTJQKJXLOKYP8gplusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVyslshaAA==
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==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcwplusn8LplusKslshvswfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zplswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21iDXQLwzI2vjW3Eg==
4114	Transfers - https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74Qi4ETg==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JlIsC6OnRyofY3IEw==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/vrsI0SKabKdr9XdJcOBqDw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QRcWQUtgJcCDcHbkv2IRQ==
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/rOB42ElpiyuEXBil5SCtVQ==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xOg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsg==
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/JEV8w6UMpXbhNFrsIshMaMYLw==

4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshlOslshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyeFQ==
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==
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/pCyFLiyDAXQFkxhUbsHFA==
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/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQjw5kZlCOmkqEEHCuVAlA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshyw9XAfld9jXuR4KQLkg==
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/sDVasU4nkvGVxDODtyXKqg==

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/QBcyzA9IS2uF2sCkACIVsw==
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/VEmAxxF6VTwEh7mmLHH7xg==
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/73WaAoB7xVTilWdyg8jPUA==
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/7hEQzi8hdkRLUYbn3mcUYw==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72l4RVoDplusplusQ==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/gh6il9tkxViyly74pfsyvg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniQ4gkGA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
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/A1ITc07Qplusq5qXGsvTt8tew==

4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVdL3OkzA==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshljsishio2S8eQ==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphmQ5nyuDFSTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKl7TuV2j8Xw==
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/GVplusn4gQA3lKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTlGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuY8plusKlIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1Uz7Fg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshQ92fRVoPUpuUergz7w==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVlilFg1dcww==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ecU45JtmfyVslshKkdepBplusjg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsLshg==
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/KC2bJWRJcyPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tcIULDJ5tC01jFJvlegqoA==
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/Qqh1ZB30DJcLIxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapulusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87l1DiM4BuNlpmMp4jw==
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/6BM2yTUYAw67FplusFDpspluslNA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMEbAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwiw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63Ediis55zWvquqjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq76Qn9RZapulusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgIwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlYUeeeBo4hULBQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==
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/m3D8kgCbYf75xX5rW6Y27Q==
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/1uChFzb4l7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==
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
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17
 U.S. Constitution

Americans with Disabilities Act
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended
 Amendment 1, Free exercise, free speech, and establishment clauses

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision

Website

Website

Description

Kennedy v. Bremerton (2022) 142 S.Ct. 2407
 New Jersey v. T.L.O. (1985) 469 U.S. 325
 Garcetti v. Ceballos (2006) 547 U.S. 410
 Hartnett v. Crosier (2012) 205 Cal.App.4th 685
 Johnson v. Poway Unified School District (2011) 658 F.3d 954
 O'Conner v. Ortega (1987) 480 U.S. 709
 Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
 CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>
 California Office of the Attorney General -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

Cross References

1312.1
 1312.1
 1312.3
 1312.3
 1312.3-E PDF(1)
 1312.3-E PDF(2)
 3320
 3320
 3400
 3400
 3515
 3515
 4030
 4030
 4040

Description

Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/dIGslshfvQqyWh8DLTuprGWw==>
 Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVd5VEedfwjAA==>
 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==>
 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==>
 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGa==>
 Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/sDRNJKQFJdr6rBfMAplusbMplusg==>
 Claims And Actions Against The District -
<https://simbli.eboardsolutions.com/SU/ucnDWx6hGHEFroNGOKmFg==>
 Claims And Actions Against The District -
<https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVbGbm2oPzSw==>
 Management Of District Assets/Accounts -
<https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==>
 Management Of District Assets/Accounts -
<https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==>
 Campus Security -
<https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==>
 Campus Security -
<https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==>
 Nondiscrimination In Employment -
<https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==>
 Nondiscrimination In Employment -
<https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==>
 Employee Use Of Technology -
<https://simbli.eboardsolutions.com/SU/3Md2dsIsHuyFrpXYhjStKTrQw==>

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/josKeRFFqslshEcP1vF5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlyWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51Lhplusbn135tH3Bg==
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/yF87GYLXytUMmUN2SXjO0g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshOsishSw==
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/A6thj3LSheVqArWU9OaXjA==
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/577ui4NZDgpHKG5NUplussQbA==
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/DzT84jciN31dA5odXslshFoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLvgwplussQSQTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNO8O2UrE6Qdbsubg==

4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4IWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2llLWxwooVA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcyPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrpluslKilJDjY7bpQkaw==
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/Qqh1ZB30DJcLxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapulusFLKGYeK7yfxXubPVLrQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzCYbz2slshslshaWog==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFhqsm2aaplug==

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

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

Management Resources References

	Description
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/6TJlnbikoQhGwsWiH4ztXQ==

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/N8bGSx8fXallgcLPJYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnIB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszI9QLwLKWOrSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknFTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/OLslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JlsC6QnRyoFY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0rplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswnq3LcJldgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
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/plusQw524YQnqZoFZ8zRrV6Pg==
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/qlnWNg2LFslhtDzTCLslsh592A==
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/4MRmnj4J0iqDWVDL3OkrzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYWw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==
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/Qqh1ZB30DjclXmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvqGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplumwwksFJslufmMFbAX0vQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFduR9FE4g==

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 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

Federal References

29 USC 2601-2654

42 USC 2000d-2000d-7

Management Resources References

Court Decision

Public Employment Relations Board Decision

Website

Description

Religious discrimination -

<https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24j43Z8w==>

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

Description

Family Care and Medical Leave Act

Title VI, Civil Rights Act of 1964

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/6TJlbnikoQhGwsWiH4ztXQ==
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/fcsish1ixO2EdCt2pz2NabYqA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwcplusn8LplusKslshvfw==
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==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytsish362LVDh2oTivuLm8gA==
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/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/ROajur05Y0LDobGfDwFO7A==
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/ltAmE15lyRuHVP4lWhd7tg==

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/HzleDphm05nyuDESTUwAmg==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3hQpaWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxyzg==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
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/E2TOLpogkDECpTZGFtslshdMQ==
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

Ed. Code 22850-22856

Ed. Code 44018

Ed. Code 44800

Ed. Code 45059

Gov. Code 18540

Gov. Code 18540.3

Gov. Code 20990-21013

M&V Code 146

M&V Code 389

M&V Code 394

M&V Code 395-395.9

Description

Pension benefits; STRS members on military leave

Compensation for employees on active military duty

Effect of active military service on status of employees

Employee ordered to active military/naval duty; computation of salary

Definition of armed forces

Recognized military service

Pension benefits; PERS members on military leave

Events justifying calling of militia into active service

Definitions; temporary military leave

Nondiscrimination based on military service

Military leave

Federal References

20 CFR 1002.1-1002.314

38 USC 4301-4334

Description

Uniformed Services Employment and Reemployment Rights Act of 1994

Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

U.S. Department of Labor Publication

Website

Website

Website

Website

Description

18 Ops.Cal.Atty.Gen. 178 (1951)

63 Ops.Cal.Atty.Gen. 924 (1978)

69 Ops.Cal.Atty.Gen. 290 (1986)

77 Ops.Cal.Atty.Gen. 56 (1994)

Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65

Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503

A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

National Committee for Employer Support of the Guard and Reserve - <https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIshUUQ==>

U.S. Department of Labor, USERRA - <https://simbli.eboardsolutions.com/SU/PNGGXVvMj8Zx0NMplus6qWUVA==>

National School Boards Association - <https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==>

Cross References**Description**

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcsish1ixO2EdCt2pz2NabYqA==
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/DZueYkplusHoNsish53DXisishi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzQl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hvb6bJfiolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfryzQxvw==
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/dRIduplushLiitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjMOW==
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/7IGWMkFdeFkQBbHk7qxyzg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBWQq0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshQ92fRVOPUpUergz7w==
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 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/UdykszdmpETuDsIsHxk6R5akQ==>

Website

California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>

Cross References

Description

3515.3

District Police/Security Department -
<https://simbli.eboardsolutions.com/SU/xzF1kDD6MeebnuiCYEM5mw==>

3515.3

District Police/Security Department -
<https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==>

4112.9

Employee Notifications -
<https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8lplusKslshvsvfw==>

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==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr1QdMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRIduplushLIitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslszhAQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JIplus3BKAIQeLA==
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/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBWQq0A11slsh9KahGJYr69A==
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/9nslshuTpTNHO70H14ljlrLeA==>

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/GPX87YasvLlgrwrAjTkQSG==>

1114

District-Sponsored Social Media -

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

1312.1

Complaints Concerning District Employees -

<https://simbli.eboardsolutions.com/SU/dlGslshefvOqyWh8DLTuprGWw==>

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/U5PKMAksish8XdmxbQDX9gY2A==>

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/sDRNJKQFJdr6rBfMAplusbMplusg==>

3230

Federal Grant Funds -

<https://simbli.eboardsolutions.com/SU/QVH379RjC0a1aO7l1TFHYg==>

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/YcXDCKQsxwpNcLpvl3ATIA==>

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==
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/IVIK9slshAllKtBcZcF8v5agg==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLEpluszfCyyw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsFW6oMTnThmqKpg==
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==
4112.42	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/plusx1slshGxTJQKJXLOKRYp8gpluscg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqql7w==
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/lplusUYB21IDXQLwzl2vjW3Eg==
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/rOB42ElpiyuEXBil5SCrVQ==

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/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/vF87GYLXytUMmUN2SXjOQg==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48I3kplusPslshiQslshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSlf4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfyAQYM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElchGnA==
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/pCyFLiyDAxQFkxkBuSHFA==
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/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJ51829uMir9NEfw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJOYndqnU7HBTrGOG6iY9g==

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/QgiTxWzNHPacaeY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfid9jXuR4KOLkg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APopulusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNg2lFslshDzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/QBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3ssslshZlNNbv4WlamsEWM4pQ==
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/73WaAoB7xVTilWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILhw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72l4RVoDplusplusQ==
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/8ghHTIoULRupEkUU4HVtdg==

4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSVrT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3QkrZA==
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==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDF5TUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
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/CgnDx1BlZbUtFWHVgyEQgA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3lKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1U7Z7Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIQ4qOhdfVlilFg1dcww==
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==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/eaHkgoUJ5B0rKy6YfGrbnQ==
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/tclULDJ5tC01fJvlegqoA==

4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxm/VplusXplusnZQ==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapluSLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87l11DiM4BuNlpmMp4jw==
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/6BM2yTUYAw67FplusFDpspluslNA==
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/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapluNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKglwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93ROnCplyUeeeBo4hULBQ==
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/be0JrP9vB8YKcEl8kaV3gg==
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/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Qkac2n002IH7QiQyqvirA==
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/9nslshuTpTNHO70H14ljlLeA==
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/ZCplusrqf8OJfVdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYhtZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==
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/sDRNJKOFJdr6rBfMAplushMplusg==
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/ezsishZHMnYpluscHnfpO2vztUsishg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmlpluswvNopsrGRvHnZml57Q==
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/CwDXzUwOzlplusMOhG2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMl2YDYwUvplusQyNqN64RQ==
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/IVIK9slshAllKtBcZcF8v5agg==
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/3Md2dsishuyFrpXYhjStKTrQw==
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/slshnzMWdvaZpZNPzplusoEf8llQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKYP8gnlusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsyXel4TKDtGnWVslshaAA==
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/lplusUYB21lDXQLwzl2vjW3Eg==
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/cwaQhFQnPhGFykogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil5SctVQ==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xOg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTlVdlsyg==
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/FkeMlvswqn3LcJldgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzJrsafxruBrElcbGnA==

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/nCKbni3vsF4vwC2CzN850A==
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/pCyFLiyDAXQFkxkHbUbsHFA==
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/EEXMgObslshqslshiKqtJJUX7vSg==
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==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJOYndqnU7HBTrGOG6lY9g==
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/QgiTxWzNHPacaleY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KQLkg==
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==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVgJp7mUPym2Tw8APopiusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNg2lFslshDzTCLslsh592A==

4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/QBcyzA9IS2uF2sCkACIVsw==
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/VEmAxf6VTwEh7mmLHH7xg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgphKKG5NJplussQbA==
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/73WaAoB7xVTilWdyg8jPUA==
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/5jMxddsishCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQ5qTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
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/W5ExJpluss6yHnQMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVDL3OkzrA==
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==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44IplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
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/GVplusn4gQA3IKplus4knVTn0QUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuY8plusKIIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1U27Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIQ4qQhdfVilFg1dcww==
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==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6YfGrbnQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcyPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclULDJ5tC01JfJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLJxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87il1DiM4BuNlpmMp4jw==
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/6BM2yTUYAw67FplusFDpspluslNA==
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/N63Ediis5zWvqunjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapiusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlYUeeeBo4hULBQ==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzW5Aplus4xw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/he0JrP9vB8YKcEl8kaV3gg==
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/qShCRxeqGOsBuNxpZPtPGQ==
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/8aBsishkYpCeLkOFFduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiQyqvirA==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rahOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

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/l83sAV1PToNrj4NXUbb8Q==>

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

Management Resources References

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

Description

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

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/hkXUyTrmkSbRSTlh3V79tXg==
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==
Website	California School Personnel Commissioners Association - https://simbli.eboardsolutions.com/SU/67J2ZGfOtlPIPkJLPNZBKQ==

Cross References

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfvyQqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVFedfwjAA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/QVH379RjC0a1aQ7I1TFHYg==
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/vx943QTXDnJq9P0DHTilzg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsyXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqql7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPyFL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QRcWQUtgJeCDcHbkv2lRQ==
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/vF87GYLXytUMmUN2SXjO0g==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSslf4Q==

4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wShplusNslshzmwtp8Du1J7fxoGg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/sishltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJOYndqnU7HBTrGOG6lY9g==
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/Kp3DemXWMMR4slshb8EnhyJPw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NlplussQbA==
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==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKllynsishRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1U7ZFg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsishg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshQucarQ==

4319.21-E PDF(1)

Professional Standards -

<https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==>

4319.24

Maintaining Appropriate Adult-Student Interactions -

<https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbf82Jo04jQ==>

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

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfvyQqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8QJfVdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpybttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==
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/sDRNJKQFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFrNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TaIBYjvBgBm2oPzSw==
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/3Md2dsishuyFrpXYhjStKTrQw==

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==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhVWdeWA==
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/YZXplusYQTz0U6QMjGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
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/A6lhj3LSheVqArWU9QaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzihlemKdooJNm9g==
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/53ooK6mub4Jlplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNlUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7FEukFEWg==
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/DzT84jcjiN31dA5odXslshEoA==
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/sQOi3RNO8O2UrE6Qdbsubg==

4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2FYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2llLWxwoqVA==
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/yaplusFLKGYeK7yfxXubPVLrQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshsishaWog==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==

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

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

Management Resources References

	Description
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/6TJlnbikoQhGwsWiH4ztXQ==

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/DMWjqGR6N1ooUHxkBdPXeA==
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/N8bGSx8fXallgcLPJYKR9w==
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/9BuYxzx0B2l1rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypFMfw==
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/qlnWNGn2LFslshDzTCLslsh592A==
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/cymBvD6zXpDjldwBE51jfg==
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/4MRmnj4J0iqDWVDL3OkzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYWw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpyUZIVfhoVlrAWtQ==
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/yapluSLKGYeK7yfxXubPVLrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluNA==
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/8aBslshkYpCeLkQFduR9FE4g==

9321

Closed Session -

<https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiQyqvirA==>

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rahOZPNg==>

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

Federal References

29 USC 2601-2654

42 USC 2000d-2000d-7

Management Resources References

Court Decision

Public Employment Relations Board Decision

Website

Description

Religious discrimination -

<https://simbli.eboardsolutions.com/SU/aVyer3HNWWhenL24Jj43Z8w==>

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

Description

Family Care and Medical Leave Act

Title VI, Civil Rights Act of 1964

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/UdykszdmpPETuDsishXk6R5akQ==>

Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNjm5slshcgG07zsOQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
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/lzQl6slshnrcwplusn8LplusKslshvfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjg==
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/Lldu39d9d8NTNQW1shZPzA==
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==
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/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtpJM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==

4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTIoUlRupEkUU4HVtdg==
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/HzleDphm05nyuDEFSTUwAmg==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQJb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGIYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgsishO92fRVopUPuUergz7w==
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/VCSQ7zJplus5y1nFHLGslshrl5oA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/qfxyeoli1104rJjMbB8XNA==
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

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

Description

Federal References

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

Description

Management Resources References

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==

Description

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/DZueYkplusHoNslsh53DXislsih6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==
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/Gy4GUysBDt2XEfyryzQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5O!4FjGaDLWBXlrAxpA2fg==
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/dRIduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegltPjMQw==
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/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qzxig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOOQlb4XnDnSONdYu7jm2Q==
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/37Bp9HjmWAwCtByKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

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/ytTLsishoozWGUA6kKkgxQ==>

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

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfvQqYWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVFedfwjAA==
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/sDRNJkOFJdr6rBfMplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWx6F6hGHEFrNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVhGbm2oPzSw==
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/ROslshkemJzfdllLrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMQ0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9PODHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dsIsHuyFrpXYhjStKTrQw==

4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHP6DQzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==
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/YZXplusYQTz0U6OMJGsF5gPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
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/A6lhj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHz7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKApusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNlUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==
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==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwpusseQSQTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNO8O2UrE6Qdbsubg==

4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2FYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjdsvYyxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2llLWxwooVA==
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/GlslshGwQt15nlsUrEf1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==
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
 8 CCR 33700-33710
 8 CCR 34020
 8 CCR 34055
 Ed. Code 45060-45061.5
 Ed. Code 45100.5
 Ed. Code 45104.5
 Ed. Code 45108.5
 Ed. Code 45108.7
 Ed. Code 45168
 Ed. Code 45220-45320
 Gov. Code 3540-3549.3
 Gov. Code 3540.1
 Gov. Code 3543.4
 Gov. Code 3545
 Gov. Code 3550-3552
 Gov. Code 3555-3559
 Gov. Code 53260-53264
 Gov. Code 6205-6210
 Gov. Code 6254.3
 Gov. Code 6503.5

Description

Recognition of exclusive representative; proceedings
 Severance of established unit
 Petition to rescind organizational security arrangement
 Reinstatement of organizational security arrangement
 Deduction of fees from salary or wage payment; certificated employees
 Senior classified management positions
 Abolishment of senior classified management positions
 Definition of senior classified management employees
 Waiver of provisions of 45108.5
 Deduction of fees from salary or wage payment; classified employees
 Merit system; classified employees
 Educational Employment Relations Act
 Public employment; definitions
 Management position; representation
 Appropriateness of unit; basis
 Prohibition on public employers deterring or discouraging union membership
 Public employee communication, information and orientation
 Employment contracts
 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking
 Disclosure of employee contact information to employee organization
 Joint powers agencies

Federal References

8 CFR 33015-33490
 8 CFR 33700-33710
 8 CFR 34020
 8 CFR 34055

Description

Recognition of exclusive representative; proceedings
 Severance of established unit
 Petition to rescind organizational security arrangement
 Reinstatement of organizational security arrangement

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Public Employment Relations Board Ruling
 Public Employment Relations Board Ruling
 Website
 Website

Description

County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
 Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
 Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
 East Whittier School District, (2004) PERB Dec. No. 1727
 City of Sacramento, (2019) PERB Dec. No. 2702m
 CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
 California Federation of Teachers - <https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==>

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/N8bGSx8fXallgcLPIYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKWQrSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B211rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknFTIzslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJIdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfyA0YM7xxypEMfw==
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/w5bplusNslshzmwtp8Du1J7fxoGg==
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/v9Q8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNg2LFslshDzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQ5qTDIlbw==
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/4MRmnj4J0iqDWVDL3QkrzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYWWw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==
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/t2D4Ufe1Gcn103Dgc18Dpw==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DjclIxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVlrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==
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/6Okac2n002IH7QjOyqvirA==>

9321-E PDF(1)

Closed Session -

<https://simbli.eboardsolutions.com/SU/vBUjvmtCplus4dg0F3rahOZPNg==>

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/aVyer3HNWhenI24lj43Z8w==>

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/Lh5JVplusYhNJm5slshcgG07zsQQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
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/w58tUBRtGnaF0rMUPlwN0g==

Cross References

Description

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvswf==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjz==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfiolKsHpQQ==
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/nCKbnl3ysF4vwC2CzN850A==
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/Lidu39d9d8NTNOW1shZpZA==
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==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/ROajurQ5Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRIduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjMQw==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==

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/rymByD6zXpDjldwBE51jfg==
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/cns2ox14MXb4vgIRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LWjchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQJb4XnDnSONdYu7jm2Q==
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/E2TOLpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtByKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==
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)

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

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

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	
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)	Attorney General Opinion
Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65	Court Decision
Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503	Court Decision
A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005	U.S. Department of Labor Publication
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/YYN378LPYzi3jvdJKbsIshUUQ==	Website
U.S. Department of Labor, USERRA - https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==	Website
National School Boards Association - https://simbli.eboardsolutions.com/SU/PGLybcP29yufJ5ot5FEGJg==	Website

Cross References**Description**

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/fcslsh1ixQ2EdCt2pz2NabYqA==
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/DZueYkplusHoNslsh53DXislsih6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzQl6slshnwrwplusn8LplusKslshvswfw==
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/FEEXMeQbslshqslshikqtJJUX7vSg==
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/dRIduplushLlitByDflajDntw==
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/NEon3h0paWx5W0NITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBhHk7qzxig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdyu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshQ92fRV0PUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

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/inBIFylkCBWVwIUslshOCxSAA==
Ed. Code 16322	California Department of Education services - https://simbli.eboardsolutions.com/SU/Kys0QUslshslshslshRcKslsh1FUOzDowww==
Ed. Code 17017.5	Approval of applications for projects - https://simbli.eboardsolutions.com/SU/XplusZMetKGleY7A8UyyjshSQ==
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/K93eKC5SslshBGM5azLOpZgig==
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/UdykszdmPETuDsIsHxk6R5akQ==
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/KljZfsIsH88rWzvIh7AJ98iog==
0200	Goals For The School District - https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9isl1lyD8g==
0400	Comprehensive Plans - https://simbli.eboardsolutions.com/SU/UllsVqPZvBpSMYEMSsSpgQ==
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhZ17ATfHJBQ13Jplus7cw==
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/7wRcaQ9giBXCQuqWB54wfa==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMplZpTd3ujpQ==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwlKW0rSw==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/nl52FByBISbzNGRG8CrhkQ==
3280	Sale Or Lease Of District-Owned Real Property - https://simbli.eboardsolutions.com/SU/dHavl4DJ4Vvaplus02n5bFkg==
3311.1	Uniform Public Construction Cost Accounting Procedures - https://simbli.eboardsolutions.com/SU/Q3stT7bsNcaKaqj5JxliBg==
3311.1	Uniform Public Construction Cost Accounting Procedures - https://simbli.eboardsolutions.com/SU/VsoDfoloi2blzPF6jhd9gA==
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/KOGKzAB8i2S6wgjllPFfUw==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/6U4LYM8ognqwmrbp8zWccQ==
3511	Energy And Water Management - https://simbli.eboardsolutions.com/SU/iAnvY3u49coMifpxvKeARg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/Y9FyWG0RGodKIGNRslshKMofg==
3511.1	Integrated Waste Management - https://simbli.eboardsolutions.com/SU/UNtBkiqKQcpoemKmiFAE2w==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSltfUgO3jNMI5qQwVFEu7A==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/FwTPOhvRxlINJslshEW1LnHQ==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8ylQ==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/08qN2JplusCiparRtU7nhplus2qg==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPk2vi8Djg==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8lA==
5141.7	Sun Safety - https://simbli.eboardsolutions.com/SU/SNqxwzDtpfEKQaffdOuRRQ==

5142	Safety - https://simbli.eboardsolutions.com/SU/Tq3INak59bTplusYdOwiq8t6g==
5142	Safety - https://simbli.eboardsolutions.com/SU/hIU2RlzNmflY9ncLr0bzIQ==
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/be0JrP9vB8YKcFI8kaV3gg==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/TkxFlplusg1be5kdCBj21w67A==
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/NNjfbFeTHYMLXa2oyKWJTg==
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/ZmslshJWRRGIhooOnK0kYcI2w==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
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/GQGblNrY33slshvwnnQn0jw8A==
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/bQsW7PFw0DMY2Odllsldslshg==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPJ4pKRQ==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==
7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslsHuVYRgMCbA==

7150	Site Selection And Development - https://simbli.eboardsolutions.com/SU/9MaBvnOs2WPkslshb54TqcMZQ==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkFczQAlqg==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/WxGxcu8vOqvCeGbLR3x1KA==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MlGIRHTFRsKW9LuyR0bsDw==
7212	Mello-Roos Districts - https://simbli.eboardsolutions.com/SU/cl8Zy2SNDA5my3OCBlcMCg==
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/8aBslshkYpCeLkQFduR9FF4g==

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

14 CCR 15000-15285

5 CCR 14001-14036

CCP 1263.710-1263.770

Ed. Code 17006

Description

Implementation of California Environmental Quality Act of 1970

California Department of Education: school facilities construction

Remediation of hazardous substances on property to be acquired by school district

Definition of self-certifying district -
<https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnsIshgVOuNx5A==>

Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building - https://simbli.eboardsolutions.com/SU/plusTy35QslshxGAtnD3w6eRJsishxw==
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/ur7Jgl2vMeIWTcC3SCXTPA==
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/NwS3Qm8nmJ04Yslsho0jqlt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==
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

Attorney General Opinion	Description 82 Ops.Cal.Atty.Gen. 130 (1999)
Website	Governor's Office of Planning and Research - https://simbli.eboardsolutions.com/SU/MvslshHMG1znUbWW5UoFHTJqQ==
Website	Department of Toxic Substances Control - https://simbli.eboardsolutions.com/SU/POmXdlUm5t3RqP4HNX5AFA==
Website	California Department of Education, School Site Selection and Approval Guide - https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSl3WgZk3FBYig==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==
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/ATZTQPd7NwSB3FBNcFesishYA==

Cross References

1113	Description District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSJA==
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/i5TLslsh83D1npluoytHTlsM6ew==
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/i8Q5NdaRV09ZFslshUu78sxOA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjLLPFUw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgQ3jNMI5qQwVEu7A==
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/CTyHH1bl8WMYv7LT883UQw==
7131	Relations With Local Agencies - https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLlslslshg==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPJ4pKRQ==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MIGIRHTRsKW9LuyR0bsDw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==
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)

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

14 CCR 15000-15285

5 CCR 14001-14036

CCP 1263.710-1263.770

Ed. Code 17006

Ed. Code 17024

Ed. Code 17070.10-17077.10

Ed. Code 17210-17224

Ed. Code 17240-17245

Ed. Code 17250.10-17250.55

Ed. Code 17251-17256

Ed. Code 17260-17268

Ed. Code 17280-17317

Ed. Code 17565-17592.5

Ed. Code 35271

Ed. Code 35275

Gov. Code 53094

Gov. Code 65402

Gov. Code 65995-65997

Gov. Code 66455.9

H&S Code 44360

Pub. Res. Code 21000-21177

Description

Implementation of California Environmental Quality Act of 1970

California Department of Education: school facilities construction

Remediation of hazardous substances on property to be acquired by school district

Definition of self-certifying district -

<https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnsIshgVQuNx5A==>

Prior written approval of CDE for selection of school site or construction of building -

<https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJsIshxw==>

Leroy F. Greene School Facilities Act of 1998 -

<https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==>

School Sites; general provisions -

<https://simbli.eboardsolutions.com/SU/ur7JgI2vMeIWTCc3SCXTPA==>

New Schools Relief Act -

<https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==>

Design-build contracts -

<https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==>

CDE powers concerning buildings and building sites -

<https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==>

Plans and specifications for school facilities -

<https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==>

Field Act; approval of plans and supervision of construction

Board duties; management and control of school property

Power to acquire and construct on adjacent property

New school planning; cooperation with recreation and park authorities

Authority to render zoning ordinances inapplicable

Acquisition or disposition of property

Developer fees

Written notices of proposed public school site within development; investigation and report; conditions for acquisition

Risk assessment

California Environmental Quality Act of 1970

Management Resources References

Attorney General Opinion

Website

Website

Website

Website

Website

Description

82 Ops.Cal.Atty.Gen. 130 (1999)

Governor's Office of Planning and Research -

<https://simbli.eboardsolutions.com/SU/MvsIshHMG1znUbWW5UoFHTUqQ==>

Department of Toxic Substances Control -

<https://simbli.eboardsolutions.com/SU/POmXdIU5t3RqP4HNX5AFA==>

California Department of Education, School Site Selection and Approval Guide -

<https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSI3WgZk3FBYig==>

CSBA District and County Office of Education Legal Services -

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

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/Zqs0lbYX5FOKNZRBTtrSjA==
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/l8QSNdaRV09ZFslshUu78sxQA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjllPFfUw==
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/bQsW7PFw0DMY2OdLlslslshg==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMOGyzsWVjWTpJ4pKRQ==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/kaWrYcZ4FrrfM0Djy8s6Fg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/qTqJJZz7LWxdOXZSRTVLAA==
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/NjrqTVMZIQhYwjEpGhplusWWQ==

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/8aBslshkYpCeLkOFfduR9FE4g==>
 Governance Standards -
<https://simbli.eboardsolutions.com/SU/b4OmvGoyuJpAPG4LxpiusvkHQ==>
 President -
<https://simbli.eboardsolutions.com/SU/9DePeFAaWu91NRZNdGXD0Q==>
 Clerk -
<https://simbli.eboardsolutions.com/SU/qd29h4vh2vvJmtN56yncKQ==>
 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/xVjnBLTBhzybPsIshMDYIWDZg==>
 Meetings And Notices -
<https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==>
 Meeting Conduct -
<https://simbli.eboardsolutions.com/SU/RAkJZH5h2NVGgOLsishw4BNKA==>

**QUARTERLY DISTRICT STATUS REPORT OF UNIFORM COMPLAINTS
TO THE COUNTY SUPERINTENDENT OF SCHOOLS
QUARTER ENDED September 30, 2022**

DISTRICT: Happy Valley Elementary **Date Reported to District Governing Board** October 12, 2022

I. INSTRUCTIONAL MATERIALS

A) Insufficient textbooks or instructional materials in the classroom:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

B) Insufficient textbooks or instructional materials to take home:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

C) Textbooks or instructional materials in poor or unusable condition:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

II. TEACHER VACANCY OR MISASSIGNMENT

A) No assigned certified teacher at beginning of semester:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

**B) Teacher lacking credentials or training to teach English Language Learners (ELL) with
More than 20% Ell in class:**

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

D) Teacher instructing class lacking subject matter competency:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

III. FACILITIES

A) Conditions pose an emergency or urgent threat to the health or safety of students/staff:

# of Complaints 0	# of Complaints Resolved 0	# of Complaints Unresolved* 0
-----------------------------	--------------------------------------	---

- **Explanation:** _____

**Happy Valley School District
Board Meeting Schedule
2022-2023**

Revised
Draft

Wednesday, August 24, 2022	3:30 pm
Wednesday, September 14, 2022	3:30 pm
Wednesday, October 12, 2022	3:30 pm
Wednesday, November 9, 2022	3:30 pm
Wednesday, December 14, 2022	3:30 pm
Wednesday, January 18, 2023 -Strategic Plan	3:30 pm-6:00 pm
Wednesday, February 8, 2023	3:30 pm
Wednesday, March 15, 2023	3:30 pm
Wednesday, April 19, 2023	3:30 pm
Wednesday, May 10, 2023	3:30 pm
Wednesday, June 14, 2023	3:30 pm
Wednesday, June 21, 2023	3:30 pm



SANTA CRUZ
COUNTY OFFICE OF
EDUCATION
DE WILSON - SUPERINTENDENT OF SCHOOLS

BOARD OF EDUCATION

Ms. Jane Royer Barr
Ms. Rose Filicetti
Ms. Sandra Nichols
Ms. Sue Roth
Mr. Dana M. Sales
Mr. Abel Sanchez
Mr. Bruce Van Allen

400 Encinal Street, Santa Cruz, CA 95060 • Tel (831) 466-5600 • Fax (831) 466-5607 • www.santacruzcoe.org

PROPOSAL for NETWORK & INTERNET SERVICES

2020-21, 2021-22, 2022-23

THIS AGREEMENT entered into this 11th day of March, 2020 by and between the OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS OF SANTA CRUZ COUNTY (hereinafter referred to as SUPERINTENDENT), and HAPPY VALLEY SCHOOL DISTRICT (hereinafter referred to as DISTRICT).

1. SERVICES

SUPERINTENDENT agrees to provide individual sites of the DISTRICT the following Network services:

1.1 Supply a port(s) on SUPERINTENDENT's router to accept lines that will connect the participating schools set forth in paragraph 4 of this AGREEMENT to the SCCOE Wide Area Network and the Internet.

1.2 Permit use of said connection 24 hours/day, 7 days/week.

1.3 Provide the following services:

1.3.1 Network Address Translation with Unlimited IP Addresses

1.3.2 Advanced Network Monitoring and NOC services

1.3.3 Domain Name Service

1.3.4 Fire Wall

1.3.5 Technical Support services to router at each site

2. CONDITIONS

2.1 DISTRICT agrees to pay \$3,000.00 in 2020-2021 to SUPERINTENDENT for services and support of up to 10 GB of connectivity bandwidth and the network services described above;

2.2 DISTRICT agrees to pay \$3,000.00 in 2021-2022 to SUPERINTENDENT for services and support of up to 10 GB of bandwidth and the network services described above;

2.3 DISTRICT agrees to pay 3,060.00 in 2022-2023 to SUPERINTENDENT for services and support of up to 10 GB of connectivity bandwidth and the network services described above;
2.2 SUPERINTENDENT will submit one (1) itemized invoice each of the three (3) fiscal years covered under this agreement to DISTRICT for services provided.

3. TERM

This AGREEMENT will commence on July 1, 2020 and terminate on June 30, 2023.

4. PARTICIPATING SITES OF DISTRICT TBD

5. ASSURANCES

DISTRICT assures that all use of the Network will comply with the SCCOE Acceptable Use Policy and will not violate any copyright laws and/or other legal statutes. DISTRICT agrees to hold SUPERINTENDENT harmless for any violation of said assurances.

SUPERINTENDENT understands that this contract is based upon the receipt of E-Rate funds, and may be null and void if the DISTRICT'S application is not approved.

SUPERINTENDENT understands that this contract is priced dependent upon the continued existence of the K12-HSN (High Speed Network). Should that state subsidized network be discontinued, this AGREEMENT will be renegotiated.

SUPERINTENDENT also is basing this contract on receipt of E-Rate funds in a timely manner from the SLC Organization, and if funds are not received by mid- April of the funded year, the DISTRICT will pay invoiced amount until funds are received.

Amendments to this AGREEMENT will be necessary if services are added.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

OFFICE OF THE COUNTY SUPERINTENDENT OF SCHOOLS

BY: Thomas Dunbar

HAPPY VALLEY SCHOOL DISTRICT
BY: Michelle McKenny



Happy Valley School

A California Distinguished
Small School, Big Goals, Amazing Results
3125 Branciforte Drive
Santa Cruz, CA 95065
(831)429-1456



Superintendent/Principal
Michelle Stewart
mstewart@hvesd.com

Administrative Assistant
Paige Lynd
plynd@hvesd.com

HAPPY VALLEY ELEMENTARY SCHOOL DISTRICT

BOARD POLICY

Instruction **B.P. 6163.4 (a)**

Student Use of Technology

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. Every effort shall be made to provide equal access to technology throughout the school.

On-Line Services/Internet Access

The Board intends that the Internet and other on-line resources provided by the school be used to support the instructional program and to further student learning.

The Internet contains an unregulated collection of resources. The district does everything in their power to monitor the use of the Internet as to avoid student access to objectionable content, but the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter. Internet content changes dynamically and is not under district control. Parents/guardians who do not wish their children to access Internet must submit a request in writing to the district administrator of the school. Acceptable Use regulations shall specify user obligations and responsibilities and shall indemnify the district for any damages.

The District Administrator or designee shall establish regulations governing student access to technology that are age appropriate. These regulations shall prohibit access to harmful matter on the Internet and preclude other misuses of the system. In addition, these regulations shall establish the fact that users have no expectation of privacy and that school staff may monitor or examine all system activities to ensure proper use of the system. Students who fail to abide by school rules shall be subject to disciplinary action, revocation of the user account and/or legal action as appropriate.

Staff shall supervise students while using on-line services and may ask teacher aides to assist in this supervision.



Superintendent/Principal
Michelle Stewart
mstewart@hvesd.com

Happy Valley School

A California Distinguished
Small School, Big Goals, Amazing Results
3125 Branciforte Drive
Santa Cruz, CA 95065
(831)429-1456



Administrative Assistant
Paige Lynd
plynd@hvesd.com

Happy Valley Elementary School District

Student Rules for Use of computer and Computer Networks

When you use school computers you agree to

1. Follow the directions of teachers and school staff
2. Abide by the rules of the school and school district
3. Obey the rules of any computer network you access
4. Be considerate and respectful of other users
5. Use school computers for school-related education and research only
6. Not use school computers and networks for personal (other than school assigned tasks)
7. Not change any software or documents (except documents you create)

Use of School Computers and access to the Internet is a privilege

1. If you do not follow the rules you will be disciplined, and you will lose your computer privileges

Do not produce, distribute, access, use, or store information, which is

1. Unlawful
2. Private or Confidential
3. Copyright protected
4. Harmful, threatening, abusive, or denigrates others
5. Obscene, pornographic, or contains inappropriate language
6. Interferes with or disrupts the work of others or causes congestion or damage to systems

Protector Your Password

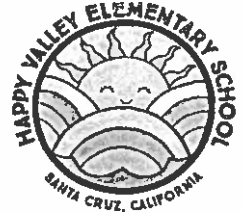
1. Do not allow anyone else to use your password and do not use anyone else's password



Superintendent/Principal
Michelle Stewart
mstewart@hvesd.com

Happy Valley School

A California Distinguished
Small School, Big Goals, Amazing Results
3125 Branciforte Drive
Santa Cruz, CA 95065
(831)429-1456



Administrative Assistant
Paige Lynd
plynd@hvesd.com

Acceptable Use Policy Parent Agreement

As the parent or guardian of this student, I have read the terms, conditions, and rules of the Acceptable Use Policy that accompanies this Agreement. I understand that access to computer resources is designed for educational purposes but that it is impossible for the Happy Valley Elementary School District to restrict access to all controversial materials on the Internet or to monitor all material being placed on a computer system by its users. I will not hold the Happy Valley Elementary School District or its employees responsible for materials acquired or the consequences of such use or acquisition on the Internet or with the local area network. I understand that my child is subject to disciplinary or legal action for any violation of the rules contained in the Acceptable Use Policy.

I hereby give permission for my child to have Internet access at Happy Valley School.



Happy Valley School

A California Distinguished
Small School, Big Goals, Amazing Results
3125 Branciforte Drive
Santa Cruz, CA 95065
(831)429-1456



Superintendent/Principal
Michelle Stewart
mstewart@hvesd.com

Administrative Assistant
Paige Lynd
plynd@hvesd.com

Dear Parents/Guardians,

Students at Happy Valley School are very fortunate to have so many opportunities to use computers and apply technology skills. The Curriculum Integration Center and computers in the classroom combine to create learning environments where technology is always available for students. All Happy Valley students will benefit from the integration of technology in all curriculum areas as well as the opportunity to engage in cooperative learning activities with other schools.

Although access to information via the Internet provides great opportunities for research and communication, we also have an obligation to protect students as they use these resources. To this end, the Happy Valley Board of Trustees adopted a policy addressing use of the Internet by students. Happy Valley School will be protected by an Internet filter through the Santa Cruz County Office of Education which will provide an extra layer of security.

Attached you will find a copy of the Board Policy, a list of Student Rules for Use of Computers and Computer Networks, and a Parent/Student agreement which must be signed.

Please contact me at school if you have any questions.

Sincerely,

Michelle Stewart
Superintendent/Principal

Timestamp	Your name and grade	What is the name of the first lesson taught? What wa	What is the name of the second lesson taught? What v	What was the data taught What is your plan to supp	If you taught a third lesson, what is the lesson taught and date?
9/28/2022 14:20:44	Lindsey Doodan, third grad	Rings of Responsibility, Sept. 26, 2022	Power of Words, Sept. 28, 2022	9/28/2022 Have student watch lesson independently at school	
9/29/2022 15:21:04	Caron Prudhon First Gr	Pause and Think Online 9/27	How Technology Makes You Feel	9/29/2022 Have student watch lesson independently at school	
9/30/2022 16:25:56	Caroline Frier	Private and Personal Information: 9/28/22	Keeping Games Fun and Friendly: 9/28/22	9/29/2022 I taught a third lesson: Super Digital Citizen	
10/3/2022 10:40:41	Sarah & Kelly- 2nd	We the Digital Citizens 9/30/22	Device Free Moments 10/3/22	Push out lessons to parents, No absent kiddos!	
10/4/2022 9:05:33	Kate Royer	Seeing is Believing Monday October 3, 2022	Rings of Responsibility October 5, 2022	Push out lessons to parents	

Common Sense Media Teaching Log 22-23

Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-O000-SSS-MMM	Comment	Expensed Amount	Check Amount
1008449	09/06/2022	BRANCATELLI, LENA	01-9009-0-1110-1000-4300-200-LIBR	LIBRARY MATERIALS AND SUPPLIES		284.42
1008450	09/06/2022	IXL LEARNING, INC	01-0084-0-1110-1000-5800-200-0000	IXL MATH ENRICHMENT		1,000.00
1008451	09/06/2022	PEACEPARTNERS, INC	01-0700-0-1110-1000-4300-200-2801	SEL		132.09
1008452	09/06/2022	ROBERTSON & ASSOC CPAS	01-0000-0-0000-7191-5809-200-2801	AUDIT		787.50
1008453	09/06/2022	Royer, Kate	01-6300-0-1110-1000-4100-200-3000	ROOM 1 MATERIALS AND SUPPLIES	8.00	
1008454	09/06/2022	SISC 3	01-9009-0-1110-1000-4300-200-RM01	ROOM 1 MATERIALS AND SUPPLIES	98.64	106.64
1008455	09/06/2022	Tom-Conway, Katherine E	01-0000-0- - -9514- - SEPTEMBER 2022	MEDICAL	13,309.00	
1008456	09/06/2022	US BANK	01-0000-0- - -9524- - SEPTEMBER 2022	MEDICAL	2,762.00	16,071.00
			01-9009-0-1110-1000-4300-200-MURT	ART SUPPLIES FOR MURAL		28.65
			01-0000-0-0000-2700-5900-200-2801	MISC MATERIALS AND SUPPLIES	260.59	
			01-0000-0-0000-3700-4300-200-3007	MISC MATERIALS AND SUPPLIES	119.08	
			01-0000-0-0000-7200-5900-200-2801	MISC MATERIALS AND SUPPLIES	46.47	
			01-0000-0-0000-8100-4350-200-2801	MISC MATERIALS AND SUPPLIES	325.58	
			01-1100-0-0000-2700-4350-200-3000	MISC MATERIALS AND SUPPLIES	141.69	
			01-4035-0-0000-2700-5200-200-2356	MISC MATERIALS AND SUPPLIES	395.90	
			01-6536-0-5760-1190-5215-200-0000	MISC MATERIALS AND SUPPLIES	689.00	
			01-9003-0-1110-1000-4300-200-CFFG	MISC MATERIALS AND SUPPLIES	127.69	
			01-9009-0-1110-1000-4300-200-LIBR	MISC MATERIALS AND SUPPLIES	964.38	3,070.38
1009026	09/12/2022	AT&T	01-0000-0-0000-2700-5900-200-2801	PHONE	115.88	
1009027	09/12/2022	BOWIE, CRAIG	01-0000-0-0000-7200-5900-200-2801	PHONE	38.63	154.51
			01-3213-0-1110-1000-5800-200-0000	GARDEN CO FOR OUTDOOR LEARNING		1,452.50
				ESSER		
1009028	09/12/2022	BRANCATELLI, LENA	01-9009-0-1110-1000-5800-200-LIBR	LIBRARY SET UP AND CONSULT		960.00
1009029	09/12/2022	FORESTRY SUPPLIERS INC	01-0084-0-1110-1000-4300-200-0000	SCIENCE SUPPLIES		335.77

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-MMM	Comment	Expensed Amount	Check Amount
1009030	09/12/2022	GREENWASTE RECOVERY INC	01-0000-0-0000-8100-5523-200-2801	GARBAGE		588.01
1009031	09/12/2022	Stewart, Michelle A	01-0000-0-0000-7200-5200-200-2801	REIMBURSE CONF		46.80
1009032	09/12/2022	US BANK EQUIPMENT FINANCE	01-1100-0-0000-7100-5600-200-3000	COPIER LEASE	33.13	
			01-1100-0-0000-7200-5600-200-3000	COPIER LEASE	132.54	
			01-1100-0-1110-1000-5600-200-3000	COPIER LEASE	497.03	662.70
1009630	09/19/2022	A SIGN ASAP	01-0000-0-0000-8100-4350-200-2801	SIGNS FOR BUILDINGS/ROOMS		82.86
1009631	09/19/2022	ADVANCED TECHNOLOGY GROUP	01-0000-0-1110-1000-5900-200-2801	ERATE CONSULTING		1,305.00
1009632	09/19/2022	B&H FOTO & ELECTRONICS CORP	01-0084-0-1110-1000-4300-200-0000	PARCEL - SPANISH CLASS SUPPLIES		117.11
1009633	09/19/2022	CARLY PERLMAN				
1009634	09/19/2022	Doolan, Lindsey A	01-0700-0-1110-1000-5800-200-2801	COUNSELING	210.00	
			01-6512-0-5770-3120-5800-200-0000	COUNSELING	120.00	
			01-6546-0-5770-3120-5800-200-0000	COUNSELING	210.00	540.00
			01-9009-0-1110-1000-4300-200-RM03	ROOM 3 MAT AND SUPPLIES AND FIELD TRIP	30.50	
			01-9009-0-1110-1000-5808-200-RM03	ROOM 3 MAT AND SUPPLIES AND FIELD TRIP	40.17	70.67
1009635	09/19/2022	Frier, Caroline K	01-9009-0-1110-1000-5808-200-RM02	ROOM 2 COUNTY FAIR		55.00
1009636	09/19/2022	IVAN DEI ROSSI	01-0084-0-1110-1000-5800-200-0000	TECH PROJECT - PARCEL		1,720.00
1009637	09/19/2022	LAKESHORE LEARNING MATERIALS	01-9009-0-1110-1000-4300-200-RM05	ROOM 5 MATERIALS AND SUPPLIES		485.99
1009638	09/19/2022	Lynd, Paige L	01-0000-0-0000-7200-5200-200-2801	MILEAGE REIMBURS		87.75
1009639	09/19/2022	SANTA CRUZ PIPEFITTERS	01-0000-0-0000-8100-5600-200-2801	PLUMBING BOYS BATHROOM		120.00
1009640	09/19/2022	Stewart, Michelle A	01-4035-0-0000-2700-5200-200-2356	REIMBURSE TRAVEL AND CONF TITLE II		134.75
1010277	09/26/2022	ARTURO RIVERA MORALES	01-0000-0-0000-8100-5524-200-2801	JANITORIAL SERVICES AUGUST		1,900.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

Checks Dated 09/01/2022 through 09/30/2022

Check Number	Check Date	Pay to the Order of	FF-RRRR-Y-GGGG-FFFF-0000-SSS-MM	Comment	Expensed Amount	Check Amount
1010278	09/26/2022	HUNDEMER, KATHRYN	01-0000-0-1110-3140-5800-200-2801	HEARING AND VISION TESTING		487.50
1010279	09/26/2022	JOHNSON CONTROLS SECURITY	01-0000-0-0000-8100-5800-200-2801	COMPUTER LAB ALARM		135.44
1010280	09/26/2022	MRC SMART TECHNOLOGY SOLUTIONS	01-1100-0-0000-7100-5600-200-3000	COPIER USAGE	17.44	
			01-1100-0-0000-7200-5600-200-3000	COPIER USAGE	69.78	
			01-1100-0-1110-1000-5600-200-3000	COPIER USAGE	261.66	348.88
1010281	09/26/2022	PACIFIC GAS & ELECTRIC	01-0000-0-0000-8100-5511-200-2801	PUMP HOUSE	71.83	
				STREET LIGHT	9.20	81.03
1010282	09/26/2022	SAN LORENZO LUMBER	01-0000-0-0000-8100-4350-200-2801	MAINT SUPPLIES		28.48
1010283	09/26/2022	Stewart, Michelle A	01-0000-0-0000-8100-4350-200-2801	MAINT SUPPLIES		25.58
Total Number of Checks					33	33,407.01

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	33	33,407.01
Total Number of Checks		33	33,407.01
Less Unpaid Tax Liability			.00
Net (Check Amount)			33,407.01

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.