

CSBA UPDATE CHECKLIST – June 2024

District Name: Happy Valley School District

Contact _____

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POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 0420.41	Charter School Oversight		
E(1) 0420.41	Charter School Oversight		
BP 1113	District And School Websites	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 1113	District And School Websites		
E(1) 1113	District And School Websites		
BP 1260	Educational Foundation		
BP 2121	Superintendent's Contract		
BP 4112.9	Employee Notifications		
BP 4212.9	Employee Notifications		
BP 4312.9	Employee Notifications		
E(1) 4112.9	Employee Notifications		
BP 4212.9	Employee Notifications		
BP 4312.9	Employee Notifications		
BP 4121	Temporary/Substitute Personnel	OPTION 1: OPTION 2:X AND OPTION 1: OPTION 2: OPTION 3:X	
AR 4121	Temporary/Substitute Personnel		

CSBA UPDATE CHECKLIST – June 2024

District
Name: _____

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 4161	Leaves		
BP 4261	Leaves		
BP 4361	Leaves		
AR 4161	Leaves		
AR 4261	Leaves		
AR 4361	Leaves		
AR 4161.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 4361.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
AR 4161.2	Personal Leaves		
AR 4261.2	Personal Leaves		
AR 4361.2	Personal Leaves		
BP 4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)		

CSBA UPDATE CHECKLIST – June 2024

District _____

Name: _____

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
AR 4261.1	Personal Illness/Injury Leave	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/> AND OPTION 1: <input type="checkbox"/> OPTION 2: <input checked="" type="checkbox"/> OPTION 3: <input type="checkbox"/>	
BP 5113	Absences and Excuses		
AR 5113	Absences and Excuses		
BP 5145.6	Parent/Guardian Notifications		
E(1) 5145.6	Parent/Guardian Notifications		
BP 6000	Concepts And Roles		
BP 6164.2	Guidance/Counseling Services	OPTION 1: <input type="checkbox"/> OPTION 2: <input checked="" type="checkbox"/>	
BP 6177	Summer Learning Programs	OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/> AND OPTION 1: <input checked="" type="checkbox"/> OPTION 2: <input type="checkbox"/>	
BP 7214	General Obligation Bonds		
AR 7214	General Obligation Bonds		

CSBA UPDATE CHECKLIST – June 2024

District

Name: _____

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BB 9220	Governing Board Elections	<p>OPTION 1: <input type="checkbox"/></p> <p>OPTION 2: <input checked="" type="checkbox"/></p> <p>OPTION 3: <input type="checkbox"/></p> <p>AND</p> <p>OPTION 1: <input type="checkbox"/></p> <p>OPTION2: <input checked="" type="checkbox"/></p> <p>AND</p> <p>OPTION1: <input type="checkbox"/></p> <p>OPTION 2: <input checked="" type="checkbox"/></p> <p>AND <input checked="" type="checkbox"/></p> <p>OPTION 1: <input checked="" type="checkbox"/></p> <p>OPTION 2: <input type="checkbox"/></p>	
E(1) 9220	Governing Board Elections	NEW EXHIBIT	
BB 9223	Filling Vacancies		

CSBA POLICY GUIDE SHEET
June 2024

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 0420.41 - Charter School Oversight

Policy updated to delete language for which the Governing Board is not responsible, clarify that the Superintendent may designate someone to attend meetings of the charter school governing body, move the section "Monitoring Charter School Performance" to keep material reflecting district responsibility for oversight of charter schools together, and clarify that board approval is required for the charter school to contract for administrative or other services. Additionally, policy updated to amend the section "Material Revisions to Charter" to clarify which situations certain standards and criteria may be used to review a proposed material revision to a charter

Exhibit (1) 0420.41 - Charter School Oversight

Exhibit updated to clarify that the exhibit is a non-exhaustive list of legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Additionally, exhibit updated to reflect charter school requirements related to (1) student membership on the governing body, (2) prohibitions against discrimination in the use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources (AB 1078, 2023), (3) the standardized incident form which tracks racial discrimination, harassment, or hazing at high school sporting games or events (AB 1327, 2023), (4) the presentation of a report of the annual update to the local control and accountability plan and budget overview for parents/guardians (SB 114, 2023), (5) the provision of, and prohibition against the denial of, recess (SB 291, 2023), (6) notifications to community college districts regarding college or career fairs (AB 1173, 2023), (7) providing access to military services for recruitment (AB 1605, 2023), (8) TB risk assessment for transportation providers under contract (SB 88, 2023), (9) the provision of meals for independent study students who are scheduled for in-person educational activities lasting two or more hours (SB 348, 2023), (10) emergency action plans in interscholastic programs (AB 1653, 2023), (11) the provision of emergency opioid antagonists and albuterol inhalers (AB 1283, 2023), (12) suspensions for willful defiance (SB 274, 2023), and (13) the provision of menstrual products (AB 230, 2023). In addition, exhibit updated to reference (1) NEW LAW (SB 10, 2023), (SB 323, 2023), and (SB 671, 2023) related to new requirements for comprehensive safety plans, (2) NEW LAW (SB 531, 2023) related to the exemption from needing a valid criminal records summary for an employee of an entity that has a contract with a charter school to offer work experience opportunities for students or workplace placements as part of a student's individualized education program, and (3) the requirement to review and update the charter school's student suicide prevention policy and revise training materials to incorporate best practices identified by the California Department of Education.

Board Policy 1113 - District and School Websites

Policy reviewed in conjunction with the accompanying administrative regulation and exhibit, with references to outdated material deleted.

Administrative Regulation 1113 - District and School Websites

Regulation updated to add material related to reporting of cyberattacks to the Cybersecurity Integration Center.

Exhibit(1) 1113 - District and School Websites

Exhibit updated to clarify that the exhibit is a non-exhaustive list of materials that are required to be posted on district and school websites. Additionally, exhibit updated to reflect (1) NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474) regarding additional notification requirements related to sex-based discrimination as well as the removal of the requirement to post specified training materials, (2) NEW LAW (AB 1327, 2023) which requires districts that participate in the California Interscholastic Federation to post the standardized incident form which tracks racial discrimination, harassment, or hazing at high school

sporting games or events, (3) **NEW LAW (AB 1326, 2023)** related to posting requirements when a provisional appointment is made to fill a governing board vacancy, (4) **NEW LAW (AB 889, 2023)** related to posting requirements for specified information regarding the dangers of synthetic drugs, and (5) **NEW LAW (AB 1466, 2023)** related to posting requirements for the annual report on the use of seclusion and restraint.

Board Policy 1260 - Educational Foundation

Policy updated to reflect Proposition 28 Arts and Music in Schools Funding Guarantee and Accountability Act and corresponding California Department of Education accounting guidance regarding how districts can demonstrate state funds are used to supplement not supplant existing program funds. Additionally, policy updated to reflect that the district may not release student records or other personally identifiable student information except with parental consent or as required by law or district policy, and that student directory information may be released when appropriate.

Board Policy 2121 - Superintendent's Contract

Policy updated to delete a portion of the language related to limitations for discussing superintendent salary or other compensation in closed session as this material exists in other policy materials. Additionally, policy updated to reflect **NEW LAW (SB 494, 2023)** prohibiting a governing board from taking action to terminate a superintendent under specified conditions.

Board Policy 4112.9/4212.9/4312.9 - Employee Notifications

Policy reviewed in conjunction with the accompanying exhibit.

Exhibit (1) 4112.9/4212.9/4312.9 - Employee Notifications

Exhibit updated to clarify that the exhibit is a non-exhaustive list of notices which the law explicitly requires be provided to employees. Additionally, exhibit updated to incorporate notifications related to requesting volunteers to be trained to administer albuterol and anti-seizure medication.

Board Policy 4121 - Temporary/Substitute Personnel

Policy updated to reflect **NEW LAW (AB 897, 2023)** which (1) requires an employment agreement for a categorically funded project to include the expected end date of employment, the source of funding, and the nature of the categorically funded program or project, and (2) specifies that Education Code 44909 does not apply to a teacher of classes for adults. Additionally, policy updated to reflect **NEW LAW (SB 616, 2023)** which (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, (2) for districts that credit employees with sick leave at the beginning of each year, increases paid sick leave to 40 hours or five days, and (3) extends procedural protections against retaliation to employees covered by collective bargaining agreements. In addition, policy updated to clarify that up to 80 hours or ten days of sick leave may be carried over annually, but the district may limit an employee's use of sick leave to 40 hours or five days per year. Policy also updated to provide that reemployment provisions contained in Education Code 44918 do not apply to districts with an average daily attendance of over 250,000 (formerly 400,000).

Administrative Regulation 4121 - Temporary/Substitute Personnel

Regulation updated to clarify that "time of initial employment" means before the employee starts work, including by moving related language.

Board Policy 4127/4227/4327 - Temporary Athletic Team Coaches

Policy updated to acknowledge that well-trained coaches are vital to the success of the experience of students in sports and interscholastic athletic activities, to include a definition of "interscholastic athletic activities," and to reference **NEW LAW (AB 245, 2023)** which requires training in the use of an automated external defibrillator.

Administrative Regulation 4127/4227/4327 - Temporary Athletic Team Coaches

Regulation updated to reflect **NEW LAW (AB 245, 2023)** which requires athletic team coaches to complete training in the use of an automated external defibrillator (AED), and the recognition of the signs of heat

illness and cardiac arrest. Additionally, regulation updated to reference **NEW LAW (AB 1467, 2023)** which requires districts, beginning January 1, 2027, to provide student athletes with access to an AED during any official practice or match, which, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification. In addition, regulation updated to reference **NEW LAW (AB 1653, 2023)** which requires the California Interscholastic Federation and the California Department of Education to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

Board Policy 4161/4261/4361 - Leaves

Policy updated to reference **NEW LAW (AB 472, 2023)** which requires a district that places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, to, upon the conclusion of the proceedings in favor of the employee, pay the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district.

Administrative Regulation 4161/4261/4361 - Leaves

Regulation updated to clarify that one of the conditions for the district to terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year, is for the employee to continue to be absent from work for 20 consecutive working days beginning from the date the employee was to report to work.

Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave

Regulation updated to clarify that it applies to certificated employees, including certificated management, and that classified employees, including classified management should refer to Administrative Regulation 4261.1 - Personnel Illness/Injury Leave. Additionally, regulation updated to reflect **NEW LAW (SB 848, 2023)** which prohibits a district from refusing to grant a request from an employee to take up to five days of reproductive loss leave, and reference **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which, for purposes of Title IX, requires the district to treat pregnancy, childbirth, termination of pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves. In addition, regulation updated to include that an employee may use sick leave days for bereavement leave. Regulation also updated to reflect **NEW LAW (SB 616, 2023)** which extends procedural protections to employees covered by collective bargaining agreements and (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, or (2) for districts that credit employees with sick leave at the beginning of each year, increases paid sick leave to 40 hours or five days.

Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves

Regulation updated to include that the definition of immediate family includes siblings-in-law. Additionally, regulation updated to reflect **NEW LAW (SB 848, 2023)** which (1) allows employees to take up to five days of reproductive loss leave following a reproductive loss event, (2) prohibits the district from retaliating or discriminating against an employee related to reproductive loss leave, and (3) provides that unless the district's leave policy does not so specify, reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee.

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

Policy updated to add that the Governing Board expects employees to serve as role positive role models both at school and in the community. Additionally, policy updated to reflect **NEW COURT DECISION (Visalia Unified School District v. PERB)** which held that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of complaints of retaliation for union activities, and that retaliation solely for engaging in protected activities is prohibited. In addition, policy updated to amend the list of what may be considered disciplinary actions to more closely align with law. Policy also updated to reflect **NEW LAW (AB 472, 2023)** which requires a district that places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is

under criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, to, upon the conclusion of the proceedings in favor of the employee, pay the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district.

Administrative Regulation 4261.1 - Personal Illness/Injury Leave

Regulation updated to clarify that it applies to classified employees, including classified management, and that certificated employees, including certificated management should refer to Administrative Regulation 4161.1/4361.1 - Personnel Illness/Injury Leave. Additionally, regulation updated to reflect **NEW LAW (SB 848, 2023)** which prohibits a district from refusing to grant a request from an employee to take up to five days of reproductive loss leave, and reference **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which, for purposes of Title IX, requires the district to treat pregnancy, childbirth, termination of pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves. In addition, regulation updated to include that an employee may use sick leave days for bereavement leave, and that employees should be notified of the amount of sick leave they have accumulated at the beginning of each school year. Regulation also updated to reflect that up to 80 hours or 10 days of accrued sick leave may carry over, but the district may limit the use of sick leave to 40 hours or five days annually. Additionally, regulation updated to reflect **NEW LAW (SB 616, 2023)** which extends procedural protections to employees covered by collective bargaining agreements and (1) requires districts that provide sick leave on an accrual basis to provide sick leave accrual at a rate of at least 40 hours or five days by the 200th calendar day of employment, each calendar year, or 12-month period, or (2) for districts that credit employees with sick leave at the beginning of each year, increases paid sick leave to 40 hours or five days.

Board Policy 5113 - Absences and Excuses

Policy updated to reference CSBA's new governance brief, "Seize the Data: Using Chronic Absence Data to Drive Student Engagement". Additionally, policy updated to clarify that absence from school is required to be excused when the absence is due to work in the entertainment or allied industry, as permitted by law. In addition, policy updated to add the requirement for teachers to provide identical or equivalent assignments and tests when a student has an excused absence.

Administrative Regulation 5113 - Absences and Excuses

Regulation updated to reflect **NEW LAW (SB 350, 2023)** which requires that (1) a student's absence be excused for up to five days when the absence is for the purpose of attending funeral services or grieving the death of a student's immediate family, or of a person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family, and (2) a student's absence be excused for up to three days when the absence is for the purpose of accessing victim or grief support services or for participating in safety planning as it relates to the death of a student's immediate family member, or of a person who is determined by the student's parent/guardian to be in such close association with the student as to be considered the student's immediate family. Additionally, regulation updated to reflect **NEW LAW (AB 1503, 2023)** which provides that attendance at a religious retreat may be excused for no more than one school day each semester. In addition, regulation updated to generalize the means of communication from parents/guardians to verify a student absence to keep the language more timeless. Policy also updated for closer alignment with law, clarity, and gender neutrality.

Board Policy 5145.6 - Parent/Guardian Notifications

Policy updated to clarify the importance of effective communication from the district and/or school to families, and that a parent/guardian's signature acknowledging receipt of the annual notifications is not required. Additionally, policy updated to delete a portion of the material related to how notifications are presented, due to redundancy.

Exhibit (1) 5145.6 - Parent/Guardian Notifications

Exhibit updated to clarify that the exhibit is a non-exhaustive list of notices which the law explicitly requires be provided to parents/guardians. Additionally, exhibit updated to include notifications related to (1) the dangers of synthetic drug use, (2) the use of CalPADS data, (3) guidelines for the full human papillomavirus immunization, (4) school closures, and (5) status change of a nonpublic nonsectarian school or agency.

Additionally, exhibit updated to delete material related to a negative balance in a meal account as this notification is no longer required.

Board Policy 6000 - Concepts And Roles

Policy updated to align concepts with other sample policies and incorporate concepts of equity and inclusion. Additionally, policy updated to reflect **NEW GUIDANCE** from the California Department of Education, including the importance of coordination, collaboration and alignment between the school, parents/guardians and the community, and district support for innovative programs and practices that promote student engagement, growth, understanding, achievement and career exploration.

Board Policy 6164.2 - Guidance/Counseling Services

Policy updated to reflect **NEW LAW (AB 278, 2023)** which establishes the Dream Resource Grant Program with the goal of creating Dream Resource Centers at schools that serve students in grades 9-12, and **NEW LAW (SB 223, 2023)** which provides flexibility for pupil personnel services holders to receive authorization to provide child welfare and attendance services by either completing a Commission on Teacher Credentialing (CTC)-approved program of supervised field experience, or a CTC-approved program of professional preparation offered by a local educational agency. Additionally, policy updated to clarify that (1) guidance counseling regarding school programs and career, vocational, or higher education opportunities may not be differentiated based on any protected category specified in law or board policy, and that (2) the district may not use testing or other materials that permit or require impermissible or unlawful differential treatment of students, unless such different materials cover the same occupations and interest areas and the use of such materials is essential to the elimination of bias and discrimination. In addition, policy updated to reflect **NEW LAW (AB 1173, 2023)** which requires a district that serves students in any of grades 9-12 that is planning to hold a college or career fair to notify each community college district that has overlapping jurisdiction of the date, time, and location of the fair, and provide an opportunity for the community college district to participate. Policy also updated to reflect **NEW LAW (AB 665, 2023)** which aligns a section of the Family Code with a related Health and Safety Code section which allows a minor age 12 or older to consent to outpatient mental health counseling or treatment services without parent/guardian consent if, in the opinion of a school psychologist or other professional person, the minor is mature enough to participate intelligently in the services, without having to establish that the minor would present a danger of serious physical or mental harm to themselves or others without the mental counseling or treatment services or that the minor is an alleged victim of incest or child abuse; however the child's parent/guardian is required to be involved unless the professional person determines after consulting with the minor that it would be inappropriate. Policy also updated to delete the requirement for school counselors to assist in the development of the comprehensive safety plan since this is not required by law, but maintained the requirement for school counselors to assist in the development of the disaster preparedness plan, which is part of the comprehensive safety plan.

Board Policy 6177 - Summer Learning Programs

Policy updated to incorporate concepts related to learning recovery, including that the district will provide students with supplemental instruction and support in a tiered framework that bases universal, targeted, and intensive supports on students' needs for academic, social-emotional, and other integrated student supports through a program of engaging learning experiences in a positive school climate. Policy also updated to reflect **NEW LAW (AB 723, 2023)** and **NEW LAW (AB 373, 2023)** which require a district to grant priority access for intersession programs to a foster youth and/or to a student experiencing homelessness, and that if during an intersession period the student will be moving, the student's educational rights holder will determine which school the student will attend for the intersession period. Additionally, policy updated to add that a district is required to provide any student who attends a school that is not operating an expanded learning opportunity (ELO) program transportation to attend at a location that is providing an ELO program and to return to the original location or another location that is established by the district.

Board Policy 7214 - General Obligation Bonds

Policy updated for clarity and organization, including that the Governing Board may direct the Superintendent to explore the possibility of a bond measure.

Administrative Regulation 7214 - General Obligation Bonds

Regulation updated to expand and more closely align with code language the information related to ballot materials, including that at least 88 days prior to the election the Superintendent must deliver applicable ballot materials to the officer conducting the election. Additionally, regulation updated to add new section "Ballot Materials" which includes (1) that the ballot question may not exceed 75 words, (2) that the ballot materials include a brief statement of the measure setting forth the amount of the bonds to be voted on, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used, (3) for bond measures that require a 55 percent majority vote, a statement that the Board will appoint a citizens' oversight committee, (4) for projects that require state matching funds, a statement advising voters that the project is subject to the approval of state matching funds, and (4) that arguments in support of or in opposition to a bond measure are submitted in accordance with law, and to reflect **NEW LAW (SB 798, 2023)** which requires the inclusion of the tax rate per \$100,000 of assessed valuation on all property to be taxed to fund a bond measure. In addition, regulation updated to (1) reflect that the district will provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual independent financial and performance audits within three months of receiving the audits, and (2) to include post-issuance reporting requirements.

Board Bylaw 9220 - Governing Board Elections

Bylaw updated to reference that a city/county charter might take precedence over district policies in regard to school board elections. Additionally, bylaw updated to reflect **NEW LAW (AB 764, 2023)**, also known as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, which establishes a comprehensive set of rules that local governments, including school districts, must follow during the redistricting process. In addition, bylaw updated to reference new Exhibit (1), which includes a non-exhaustive list of offenses the conviction of which makes someone ineligible to be a school board member. Bylaw also updated for clarity, precision, organization, and consistency.

NEW - Exhibit (1) 9220 - Governing Board Elections

Exhibit added to provide a non-exhaustive list of offenses the conviction of which makes someone ineligible to be a school board member.

Board Bylaw 9223 - Filling Vacancies

Bylaw updated to reflect **NEW LAW (AB 1326, 2023)**, which requires that the notice of a provisional appointment be posted on the district's website. Additionally, bylaw updated to (1) focus on filling vacancy by appointment rather than special election, (2) enable the Governing Board to approve, by resolution, the procedures for selecting the person to be provisionally appointed to fill the vacancy, and (3) explain how long an appointed Board member may serve. In addition, bylaw updated for clarity, precision, organization, and consistency.

CSBA Policy Management Console
CSBA Sample District Policy Manual

Policy 0420.41: Charter School Oversight

Status: ADOPTED

Original Adopted Date: 10/01/2013 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board recognizes its ongoing responsibility to oversee that any charter school authorized by the Board is successfully fulfilling the terms of its charter.

The Superintendent or designee shall identify at least one staff member to serve as a contact person for each charter school authorized by the Board. (Education Code 47604.32)

The Superintendent or designee shall visit each charter school at least annually and may inspect or observe any part of a charter school at any time. (Education Code 47604.32, 47607)

The Superintendent may designate someone to attend meetings of the charter school governing body whenever possible.

Monitoring Charter School Performance

Any charter school authorized by the Board shall be monitored by the Superintendent or designee to determine whether the charter school complies with all legal requirements applicable to charter schools, including all reports required of charter schools by law, as specified in Education Code 47604.32. Any violations of law shall be reported to the Board.

The Board shall monitor each charter school to determine whether it is achieving the measurable student outcomes set forth in the charter, both schoolwide and for each numerically significant student subgroup served by the school as defined in Education Code 52052. This determination shall be based on the measures specified in the approved charter and any applicable MOU, and on the charter school's annual review and assessment of its progress toward the goals and actions identified in its local control and accountability plan (LCAP), as reported in the California School Dashboard.

The Board shall monitor the fiscal condition of the charter school based on any financial report or information obtained from the charter school, including, but not limited to, the charter school's preliminary budget, LCAP and annual update of the charter school's LCAP, first and second interim financial reports, and final unaudited report for the full prior year. (Education Code 47604.32, 47604.33, 47606.5)

Waivers

If the charter school wishes to request a general waiver of any state law or regulation applicable to it, it shall request that the Board approve and the district submit a general waiver request to the State Board of Education (SBE) on its behalf. Upon approval of the Board, the Superintendent or designee shall submit such a waiver request to SBE on behalf of the charter school.

Provision of District Services

Upon approval by the Board of an appropriate agreement, the charter school may contract with the district or any other source for administrative or other services. (Education Code 47613)

Whenever the district agrees to provide administrative or support services to a charter school, the district and the charter school shall develop a memorandum of understanding (MOU) which clarifies the financial and operational agreements between them.

At the request of a charter school, the Superintendent or designee shall create and submit any reports required by the State Teachers' Retirement System or Public Employees' Retirement System on behalf of the charter school. The district may charge the charter school for the actual costs of the reporting services, but shall not require the charter

school to purchase payroll processing services from the district as a condition for creating and submitting these reports. (Education Code 47611.3)

Material Revisions to Charter

Material revisions to a charter may only be made with Board approval. Material revisions shall be governed by the same standards and criteria that apply to petitions for the authorization of charter schools as set forth in Education Code 47605 and shall include, but not be limited to, a reasonably comprehensive description of any new requirement for charter schools enacted into law after the charter was originally granted or last renewed. (Education Code 47607)

The Board shall determine whether a proposed change in charter school operations would constitute a material revision of the approved charter.

If an approved charter school proposes to expand operations to one or more additional sites or grade levels, whether concurrently with or unrelated to a renewal, the charter school shall request a material revision to its charter and shall notify the Board of those additional locations or grade levels. The Board shall consider approval of the additional locations or grade levels at an open, public meeting. (Education Code 47605, 47607)

The Board may deny a proposed material revision if it finds that the proposed material revision would render the charter school demonstrably unlikely to serve the interests of the entire community in which the school is located or proposes to locate. In making this finding, the Board shall consider all of the following: (Education Code 47605)

1. The fiscal impact of the proposed expansion on the district
2. The extent to which the expansion would substantially undermine existing services, academic offerings, or programmatic offerings
3. Whether the expansion would duplicate a program currently offered within the district that has sufficient capacity for the students proposed to be served within reasonable proximity to where the charter school intends to locate

Additionally, the Board may deny a proposed material revision if it finds that the district is not positioned to absorb the fiscal impact of the proposed material revision. The Board shall make this finding if the district has a qualified interim certification pursuant to Education Code 42131 and the County Superintendent of Schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the district having a negative interim certification pursuant to Education Code 42131, the district has a negative interim certification pursuant to Education Code 42131, or the district is under state receivership. (Education Code 47605)

Location of Charter Schools

Except when permitted to operate outside district boundaries pursuant to Education Code 47605 and 47605.1, a charter school shall be located within district boundaries.

Fees/Charges for Supervisorial Oversight

The district may charge for district supervisorial oversight as follows: (Education Code 47613; 5 CCR 11969.7)

1. Actual costs up to one percent of the charter school's revenue
2. Actual costs up to three percent of the charter school's revenue if the district provides the charter school substantially rent-free facilities

If the district provides the charter school with facilities under Education Code 47614 and charges the charter school a pro-rata share of the facilities costs calculated pursuant to 5 CCR 11969.7, the district may only charge the charter school for the actual costs of supervisorial oversight up to one percent of the charter school's revenue.

3. Actual costs if the district is assigned supervisorial oversight responsibility for the charter school by SBE when

authorized on appeal

Technical Assistance/Intervention

Whenever a charter school is identified for technical assistance based on the performance of one or more numerically significant student subgroups on SBE-established criteria, the charter school shall receive technical assistance from the County Superintendent. Such technical assistance shall be focused on building the charter school's capacity to develop and implement actions and services responsive to student and community needs, including, but not limited to, any of the following: (Education Code 47607.3)

1. Assisting the charter school to identify its strengths and weaknesses in regard to the state priorities applicable to the charter school pursuant to Education Code 47605(c)

This shall include working collaboratively with the charter school to review performance data on the state and local indicators included in the California School Dashboard and other relevant local data and to identify effective, evidence-based programs or practices that address any areas of weakness.

2. Working collaboratively with the charter school to secure assistance from an academic, programmatic, or fiscal expert or team of experts to identify and implement effective programs and practices that are designed to improve performance in any areas of weakness identified by the charter school

Another service provider, including, but not limited to, a school district, county office of education, or charter school, may be solicited to act as a partner to the charter school in need of technical assistance.

3. Obtaining from the charter school timely documentation demonstrating that it has completed the activities described in Items #1 and 2 or substantially similar activities, or has selected another service provider to work with the charter school to complete the activities described in Items #1 and 2 or substantially similar activities, and ongoing communication with the Board to assess the charter school's progress in improving student outcomes

In addition, if, in three out of four consecutive school years, a charter school fails to improve outcomes for three or more numerically significant student subgroups, or for all of the student subgroups if the school has fewer than three subgroups, in regard to one or more state or school priorities identified in the charter, the County Superintendent may request that the Superintendent of Public Instruction (SPI), with SBE approval, assign the California Collaborative for Educational Excellence to provide advice and assistance to the charter school pursuant to Education Code 52074. (Education Code 47607.3; 52072)

In accordance with law, the Board may deny a charter school's renewal petition or may revoke a charter based on the charter school's poor performance, especially with regard to inadequate academic achievement of all numerically significant subgroups of students served by the charter school. (Education Code 47607, 47607.2)

Complaints

Each charter school shall establish and maintain policies and procedures in accordance with the uniform complaint procedures as specified in 5 CCR 4600-4670 to enable any person alleging the school's noncompliance with Education Code 47606.5 or 47607.3 to file a complaint with the charter school. (Education Code 52075)

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complainant who is not satisfied with the decision may appeal the decision to the SPI. (Education Code 52075)

If the charter school finds merit in the complaint or the SPI finds merit in an appeal, a remedy shall be provided to all affected students and parents/guardians. (Education Code 52075)

School Closure

In the event that the Board revokes or denies renewal of a charter or the charter school ceases operation for any reason, the Superintendent or designee shall, when applicable in accordance with the charter school and/or an

applicable agreement between the district and the charter school, provide assistance to facilitate the transfer of the charter school's former students and to finalize financial reporting and close-out of the charter school.

The Superintendent or designee shall provide notification to the California Department of Education, within 10 calendar days of the Board's action, if renewal of a charter is denied, a charter is revoked, or a charter school will cease operation for any reason. Such notification shall include, but not be limited to, a description of the circumstances of the closure, the effective date of the closure, and the location of student and personnel records. (Education Code 47604.32; 5 CCR 11962.1)

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 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	<u>Training for security officers</u>
CA Constitution Article 16, Section 8.5	<u>Public finance; school accountability report card</u>
CA Constitution Article 9, Section 5	<u>Common school system</u>
Corp. Code 5110-6910	<u>Nonprofit public benefit corporations</u>
Ed. Code 1006	<u>Prohibition against school district employees serving on county board of education</u>
Ed. Code 17070.10-17079.30	<u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17280-17317	<u>Field Act; approval of plans and supervision of construction</u>
Ed. Code 17365-17374	<u>Field Act; fitness for occupancy; liability of board members</u>
Ed. Code 215	<u>Suicide prevention policies</u>
Ed. Code 215.5	<u>Student identification cards; inclusion of safety hotlines</u>
Ed. Code 220	<u>Prohibition of discrimination</u>
Ed. Code 221.61	<u>Posting of Title IX information on website</u>
Ed. Code 221.9	<u>Sex equity in competitive athletics</u>
Ed. Code 222	<u>Reasonable accommodations; lactating students</u>
Ed. Code 222.5	<u>Pregnant and parenting students; notification of rights</u>
Ed. Code 231.5	<u>Sexual harassment policy</u>
Ed. Code 234.4	<u>Mandated policy on bullying prevention</u>
Ed. Code 234.6	<u>Bullying and harassment prevention information</u>
Ed. Code 234.7	<u>Student protections relating to immigration and citizenship status</u>
Ed. Code 243	<u>Prohibition of discrimination; instructional materials</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 32283.5	<u>Bullying; online training</u>
Ed. Code 33353	<u>California Interscholastic Federation incident tracking</u>
Ed. Code 33479-33479.9	<u>The Eric Parades Sudden Cardiac Arrest Prevention Act</u>
Ed. Code 35120	<u>Student board membership</u>
Ed. Code 35179.4-35179.6	<u>Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program</u>
Ed. Code 35183.1	<u>Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance</u>

State References

Ed. Code 35292.6

Ed. Code 35330

Ed. Code 38001.5

Ed. Code 38080-38086

Ed. Code 39831.3

Ed. Code 39843

Ed. Code 41024

Ed. Code 42100

Ed. Code 44030.5

Ed. Code 44237

Ed. Code 44691

Ed. Code 44830.1

Ed. Code 45122.1

Ed. Code 45125.1

Ed. Code 46015

Ed. Code 46390-46393

Ed. Code 47600-47616.7

Ed. Code 47634.2

Ed. Code 47640-47647

Ed. Code 47651

Ed. Code 48000

Ed. Code 48010

Ed. Code 48206.3-48208

Ed. Code 48850-48859

Ed. Code 48900

Ed. Code 48901.1

Ed. Code 48907

Ed. Code 48913.5

Ed. Code 48950

Ed. Code 48985

Ed. Code 49005-49006.4

Ed. Code 49010

Ed. Code 49011

Ed. Code 49014

Ed. Code 49056

Ed. Code 49061

Ed. Code 49062.5

Ed. Code 49070

Ed. Code 49073.2

DescriptionStocking of menstrual productsField trips and excursions; student feesTraining for security officersSchool mealsTransportation safety planDisciplinary action against bus driver; report to Department of Motor VehiclesReport of expenditure of state facility fundsAnnual statement of receipts and expendituresReporting change in employment status due to alleged misconductCriminal record summaryInformation on detection of child abuse; annual trainingCertificated employees; conviction of a violent or serious felonyClassified employees; conviction of a violent or serious felonyCriminal records summary; employees of contracting entityAccommodations for pregnant and parenting students; parental leaveEmergency average daily attendanceCharter Schools Act of 1992Nonclassroom-based instructionSpecial education funding for charter schoolsApportionment of funds; charter schoolsMinimum age of admission for kindergarten; transitional kindergartenMinimum age of admission to first gradeStudents with temporary disabilities; individual instructionEducation of foster youth and homeless studentsGrounds for suspension or expulsionSuspension and expulsion; willful defianceExercise of free expression; time, place, and manner rules and regulationsSuspended students; homework assignmentsSpeech and other communicationNotices to parents in language other than EnglishSeclusion and restraintStudent feesStudent feesPublic School Fair Debt Collection ActProhibition of denial of recessDefinitions; directory informationStudent records; name or gender changeChallenging student recordsPrivacy of student and parent/guardian personal information; minutes of board meeting

State References

Ed. Code 49076.7

Ed. Code 49110

Ed. Code 49381

Ed. Code 49406

Ed. Code 49414

Ed. Code 49414.3

Ed. Code 49414.7

Ed. Code 49428

Ed. Code 49428.5

Ed. Code 49430-49434

Ed. Code 49431.9

Ed. Code 49475

Ed. Code 49501.5

Ed. Code 49550-49564.5

Ed. Code 49557.5

Ed. Code 49564.3

Ed. Code 49603

Ed. Code 49700-49701

Ed. Code 51224.7

Ed. Code 51225.1-51225.2

Ed. Code 51225.3

Ed. Code 51225.6

Ed. Code 51225.7-51225.8

Ed. Code 51413

Ed. Code 51744-51749.6

Ed. Code 51925-51929

Ed. Code 51930-51939

Ed. Code 52052

Ed. Code 52060-52077

Ed. Code 52075

Ed. Code 52770

Ed. Code 56026

Ed. Code 56040.3

Ed. Code 56145-56146

Ed. Code 56365-56366.12

Ed. Code 56521.1-56521.2

Ed. Code 60600-60649

Ed. Code 64000

Ed. Code 64001

DescriptionStudent records; data privacy; social security numbersAuthority to issue work permitsHuman trafficking preventionTB risk assessmentEpinephrine auto-injectorsAdministration of opioid antagonistAdministration of albuterol inhalersNotification of mental health servicesEmployment of medical personnelThe Pupil Nutrition, Health, and Achievement Act of 2001Prohibition of advertisement of non-nutritious foodsHealth and safety; concussions and head injuriesFree breakfast and lunch to all studentsMeals for needy studentsChild Hunger Prevention and Fair Treatment Act of 2017Provision of federal universal meal serviceOn campus access to employers and military servicesEducation of children of military familiesMathematics placement policyExemption from local graduation requirements; acceptance of courseworkHigh school graduation requirementsInstruction in cardiopulmonary resuscitation; districts that require health education for graduationCompletion and submission of the Free Application for Federal Student Aid and California Dream Act ApplicationDiploma of graduation without passage of high school exit examinationIndependent studyMandatory mental health educationCalifornia Healthy Youth ActAccountability; numerically significant student subgroupsLocal control and accountability planUniform complaint proceduresCollege and career fairsSpecial educationAvailability of assistive technology deviceSpecial education services in charter schoolsNonpublic, nonsectarian schoolsEmergency InterventionsAssessment of academic achievementCategorical programs included in consolidated applicationSchool plan for student achievement; consolidated application programs

State References

Ed. Code 65000-65001
 Ed. Code 69432.9-69432.92
 Gov. Code 1090-1099
 Gov. Code 3540-3549.3
 Gov. Code 3555-3559
 Gov. Code 54950-54963
 Gov. Code 7920.000-7930.215
 Gov. Code 81000-91014
 H&S Code 104420
 H&S Code 104559
 Lab. Code 1198.5
 Lab. Code 3074.2
 Pen. Code 1192.7
 Pen. Code 667.5
 Veh. Code 28160

Description

School site councils
[Cal Grant program; notification of grade point average and high school graduation](#)
[Prohibitions applicable to specified officers](#)
[Educational Employment Relations Act](#)
[Public employee communication, information and orientation](#)
 The Ralph M. Brown Act
[California Public Records Act](#)
[Political Reform Act](#)
 Tobacco Use Prevention Education grant program
 Tobacco-free schools
[Personnel records related to performance and grievance](#)
 College and career fairs; notice to apprenticeship programs
[Definition of serious felony](#)
[Definition of violent felony](#)
 Child safety alert system

Federal References

20 USC 1681-1688
 20 USC 6311
 20 USC 7221-7221j
 34 CFR 200.1-200.78
 42 USC 11431-11435

Description

Title IX of the Education Amendments of 1972; discrimination based on sex
 State plan
 Charter schools
 Accountability
 McKinney-Vento Homeless Assistance Act

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 CA Office of Administrative Hearings Decisions
 California Department of Education Publication
 California Department of Education Publication
 California Dept. of Pesticide Reg. Publication
 California Interscholastic Federation Publication
 Court Decision
 CSBA Publication
 CSBA Publication

Description

104 Ops.Cal.Atty.Gen. 66 (2021)
 101 Ops.Cal.Atty.Gen. 92 (2018)
 78 Ops.Cal.Atty.Gen. 297 (1995)
 89 Ops.Cal.Atty.Gen. 166 (2006)
 80 Ops.Cal.Atty.Gen. 52 (1997)
 Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763
[Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020](#)
[California School Accounting Manual](#)
 School District Integrated Pest Management Plan Template
[Pursuing Victory with Honor, 1999](#)
 Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986
 Charter Schools: A Guide for Governance Teams, rev. 2021
 Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

Management Resources References

CSBA Publication

U.S. DOE Guidance

Website

Website

Website

Website

Website

Website

Website

Website

Website

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Website

Description[Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018](#)[Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014](#)[CSBA District and County Office of Education Legal Services](#)[U.S. Department of Agriculture](#)[National Suicide Prevention Lifeline](#)[National Domestic Violence Hotline](#)[California State Teachers Retirement System](#)[California Public Employees Retirement System](#)[California Department of General Services, Office of Administrative Hearings](#)[California Commission on Teacher Credentialing](#)[California Commission on Peace Officer Standards and Training](#)[California Bureau of Security and Investigative Services](#)[California Department of Pesticide Regulation](#)[California State Controller](#)[California Student Aid Commission](#)[National Association of Charter School Authorizers](#)[California Charter Schools Association](#)[California Department of Education, Charter Schools](#)[California Interscholastic Federation](#)[California Office of the Attorney General](#)[CSBA](#)[U.S. Department of Education](#)**Cross References**

0420.4

0420.4

0420.42

0420.43

0460

0460

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1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

1431

6162.51

6162.51

7160

Description[Charter School Authorization](#)[Charter School Authorization](#)[Charter School Renewal](#)[Charter School Revocation](#)[Local Control And Accountability Plan](#)[Local Control And Accountability Plan](#)[Accountability](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Waivers](#)[State Academic Achievement Tests](#)[State Academic Achievement Tests](#)[Charter School Facilities](#)

Cross References

7160

DescriptionCharter School Facilities

Exhibit 0420.41-E(1): Charter School Oversight

Status: ADOPTED

Original Adopted Date: 07/01/2017 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

REQUIREMENTS FOR CHARTER SCHOOLS

This exhibit is a non-exhaustive list of legal requirements that apply to charter schools and may be used by districts to monitor a charter school's compliance with law. Other legal requirements may exist and may be identified in the future.

A charter school shall be subject to the terms of its charter; any memorandum of understanding between the school and the district Governing Board; the state and federal constitutions; applicable federal laws; state laws that apply to governmental agencies in general; and other legal requirements that are expressly applicable to charter schools, including, but not limited to, the following requirements.

Governance

1. Comply with the Ralph M. Brown Act (Government Code 54950-54963), California Public Records Act (Government Code 7920.000-7930.215), conflict of interest laws (Government Code 1090-1099), and Political Reform Act (Government Code 81000-91014), including the adoption of a conflict of interest code pursuant to Government Code 87300 (Education Code 47604.1)
2. Except as otherwise authorized by Government Code 54954, hold the meetings of its governing body within the physical boundaries of the county in which the charter school is located or, if a nonclassroom-based charter school that does not have a facility or operates one or more resource centers, hold governing body meetings within the physical boundaries of the county in which the greatest number of students enrolled in the charter school reside

In addition, a two-way teleconference location shall be established at the school site and/or resource center, as applicable. (Education Code 47604.1)

3. The charter school's executive director or any of the charter school's employees shall not serve as a member of the county board of education in the county where the charter school is located (Education Code 1006; Government Code 1099)
4. If the charter school is attended by high school students and the governing body receives student petition to appoint a student member to the governing body, appoint one or more student members in accordance with Education Code 47604.2

Operations

5. Not be operated as, or be operated by, a for-profit corporation, a for-profit educational management organization, or a for-profit charter management organization (Education Code 47604)
6. Be nonsectarian in its programs, admission policies, employment practices, and all other operations (Education Code 47605)

Admission/Enrollment

7. Adhere to all laws establishing the minimum age for public school attendance (Education Code 47610)
8. Serve students who are California residents and who, if over 19 years of age, are continuously enrolled in a public school and making "satisfactory progress" toward a high school diploma as defined in 5 CCR 11965 (Education Code 47612)
9. Serve students with disabilities in the same manner as such students are served in other district schools (Education Code 47646, 56145)
10. Admit all students who wish to attend the charter school, according to the following criteria and procedures:

- a. Admission to the charter school shall not be determined according to the student's or parent/guardian's place of residence within the state, except that any existing public school converting partially or entirely to a charter school shall adopt and maintain a policy giving admission preference to students who reside within that school's former attendance area (Education Code 47605)

If a charter school will be physically located in a public elementary school attendance area in which 50 percent or more of the student enrollment is eligible for free or reduced-price meals, it may also establish an admission preference for students who are currently enrolled in that public elementary school and for students who reside in the public school attendance area. (Education Code 47605.3)

- b. If the number of students who wish to attend the charter school exceeds the school's capacity, attendance shall be determined by a public random drawing, with preference extended to students currently attending the charter school and students who reside in the district, except as provided for in Education Code 47614.5 (Education Code 47605)
- c. Other admission preferences may be permitted by the Board of the district on an individual school basis consistent with law

Preferences shall not result in limited enrollment access for students with disabilities, academically low-achieving students, English learners, neglected or delinquent students, students experiencing homelessness, foster youth, students who are economically disadvantaged, or on the basis of nationality, race, ethnicity, or sexual orientation. Mandatory parental volunteer hours shall not be the basis of a preference or a criterion for admission or continued enrollment. (Education Code 47605)

11. Not discourage a student from enrolling or seeking to enroll in the charter school, nor encourage a current student from disenrolling, for any reason, including, but not limited to, the student's academic performance, nationality, race, ethnicity, or sexual orientation or because the student is a student with disabilities, academically low achieving, an English learner, neglected or delinquent, experiencing homelessness, economically disadvantaged, or a foster youth

The charter school shall not request or require a student's records to be submitted before enrollment. The charter school shall post on its website the California Department of Education's (CDE) notice of these requirements and shall provide the notice to parents/guardians or students age 18 and older when the parent/guardian or student inquires about enrollment, before conducting an enrollment lottery, and before disenrollment of a student. (Education Code 47605)

12. Comply with the requirements of Education Code 48850-48859 regarding enrollment, identification, and placement of students experiencing homelessness and unaccompanied youth (Education Code 48850, 48851, 48852.5, 48852.6; 42 USC 11431-11435)
13. Comply with the requirements of Education Code 48850-48859 regarding the enrollment and placement of foster youth (Education Code 48853.5, 48859)
14. Allow a student who is enrolled in the charter school but receiving individual instruction at home or a hospital due to a temporary disability to return to the charter school when well enough to do so, provided the student returns during the school year in which the individual instruction was initiated (Education Code 48207.3)

Nondiscrimination

15. Not discriminate against any student on the basis of the characteristics listed in Education Code 220 (Education Code 47605)
16. Not discriminate in the use, selection, or rejection of textbooks, instructional materials, library books, or similar educational resources (Education Code 243)
17. Adopt policy that is consistent with the model policy developed by the California Attorney General addressing the charter school's response to immigration enforcement, notify parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, prohibit the collection of information or documents regarding the immigration status of students or their family members, and fulfill other requirements of Education Code 234.7

18. Post specified information related to the prohibition against discrimination under Title IX of the Education Amendments of 1972 in a prominent and conspicuous location on the school website or on the website of the charter operator (Education Code 221.61)
19. If the charter school offers competitive athletics, annually post on the school's website or on the website of the charter operator the total enrollment of the school classified by gender, the number of students who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9)
20. Provide specified accommodations to pregnant and parenting students, including, but not limited to, the provision of parental leave and reasonable accommodations on campus to a lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding

The charter school shall notify pregnant and parenting students and parents/guardians of the rights and options available to pregnant and parenting students. (Education Code 222, 222.5, 46015)
21. If a direct-funded charter school, adopt and implement uniform complaint procedures to resolve complaints of unlawful discrimination or alleged violation of a state or federal law or regulation governing educational programs, in accordance with 5 CCR 4600-4670 (5 CCR 4600)
22. If the charter school serves high school students and participates in the California Interscholastic Federation, post the standardized incident form developed by CDE to track racial discrimination, harassment, or hazing that occurs at high school sporting games or events on the charter school's website on or before April 1, 2025, and, upon CDE's request, submit information related to any completed standardized incident forms received by the charter school (Ed. Code 33353)

Tuition and Fees

23. Not charge tuition (Education Code 47605)
24. Not charge student fees for any activity that is an integral component of the educational program, except as authorized by those Education Code provisions that explicitly apply to charter schools (Education Code 49010, 49011)
25. Not bill, nor take any negative action against, a student or former student for a debt owed to the charter school

The school shall provide an itemized invoice for any amount owed by the parent/guardian on behalf of a student or former student before pursuing payment of the debt and shall provide a receipt to the parent/guardian for each payment made to the school. (Education Code 49014)

School Plans

26. Adopt a local control and accountability plan (LCAP) and update the plan by July 1 each year, after holding a public hearing, consulting with specified stakeholders, and using the template adopted by the State Board of Education (SBE)
27. As part of the LCAP adoption and annual update to the LCAP, the governing body of the charter school shall separately adopt a local control funding formula budget overview for parents/guardians and as appropriate, an Individuals with Disabilities Education Act Addendum, based on the templates developed by SBE (Education Code 47604.33, 47606.5, 52064, 52064.1, 52064.3)
28. Present a report on the annual update to the LCAP and the local control funding formula budget overview for parents/guardians on or before February 28 of each year, at a regularly scheduled meeting of the governing body of the charter school (Education Code 47606.5)
29. If the charter school applies for federal and/or state categorical program funding through the state's consolidated application, establish a school site council to develop and annually review a school plan for student achievement, unless the school chooses to use its LCAP for this purpose (Education Code 64000-64001, 65000-65001)

30. Develop a comprehensive safety plan in accordance with Education Code 32282 and review and update the plan in accordance with law by March 1 each year (Education Code 47605)
31. Develop a transportation safety plan that includes procedures to ensure that a student is not left unattended on a school bus, student activity bus, youth bus, or child care motor vehicle and procedures for designating an adult chaperone, other than the driver, to accompany students on a school activity bus

In addition, ensure that each school bus, student activity bus, youth bus, or child care motor vehicle is equipped with a child safety alert system that requires the driver to either manually contact or scan the device, thereby prompting the driver to inspect the entirety of the interior of the vehicle before exiting, unless the student activity bus is exempted by law. (Education Code 39831.3; Vehicle Code 28160)

Curriculum and Instruction

32. Offer at least the number of instructional minutes required by law for the grade levels provided by the charter school (Education Code 47612.5)
33. Provide one or more periods of recess that total 30 minutes on regular instructional days and at least 15 minutes on early release days as required by law (Education Code 49056)
34. If the charter school serves students in grade 9, adopt a fair, objective, and transparent mathematics placement policy with specified components (Education Code 51224.7)
35. If the charter school serves students in any of grades 7-12, provide comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education at least once in junior high or middle school and once in high school (Education Code 51931, 51934)
36. If the charter school serves students in any of grades 6-12, identify and implement methods of informing parents/guardians of human trafficking prevention resources (Education Code 49381)
37. If the charter school serves students in middle or high school and offers one or more courses in health education, include in those courses instruction in mental health, as specified (Education Code 51925-51929)
38. If the charter school serves students in grade 12, comply with the requirements for student completion and submission of the Free Application for Federal Student Aid and California Dream Act Application (Education Code 51225.7, 51225.8)
39. If the charter school is planning to hold a college or career fair, the charter school shall notify each apprenticeship program in the same county as the charter school and each community college district that has overlapping jurisdiction with the charter school with the planned date, time, and location of the fair, and give each community college district that has overlapping jurisdiction the opportunity to participate in the college or career fair (Education Code 52770, Labor Code 3074.2)
40. If a charter school offers instruction in any of grades 9-12, and provides on-campus access to employers, not prohibit access to the military services (Education Code 49603)
41. If the charter school provides independent study, meet the requirements of Education Code 51745-51749.6, except that the school may offer courses required for graduation solely through independent study as an exception to Education Code 51745(e) (Education Code 47612.5, 51747.3; 5 CCR 11705)
42. Develop a plan for offering independent study to affected students pursuant to Education Code 46393 if the governing body of the charter school submits an affidavit pursuant to Education Code 46392 necessitated by an emergency condition that resulted in a school closure (Education Code 46392, 46393)
43. Accept and provide full or partial credit for coursework satisfactorily completed by a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, student who is migratory, or a newcomer student while attending another school (Education Code 51225.2)
44. Meet all statewide standards and conduct any statewide assessments applicable to noncharter public schools (Education Code 47605, 47612.5, 60605)

Special Education

45. Provide assistive technology devices in a student's home or other settings if the individualized education program team determines that such access is necessary

The charter school shall also provide an assistive technology device or comparable device to a student who enrolls in another local educational agency, for two months after the student leaves the charter school or until alternative arrangements can be made, whichever occurs first. (Education Code 56040.3)

46. If the charter school is an independent member of a special education local plan area and has a master contract with a nonpublic, nonsectarian school:
 - a. Pay the full amount of the tuition or fees for students with disabilities enrolled in programs or services provided pursuant to that contract (Education Code 56365)
 - b. Conduct at least one onsite visit to the nonpublic, nonsectarian school prior to a student's placement and at least once each school year (Education Code 56366.1)

High School Graduation

47. Exempt a foster youth, student experiencing homelessness, former juvenile court school student, child of a military family, or student who is migratory who transfers between schools after the second year of high school, or a newcomer student for newly immigrant students in grades 11-12, from any of the charter school's graduation requirements that exceed state requirements, unless the charter school determines that the student is reasonably able to complete the requirements by the end of the fourth year of high school (Education Code 51225.1, 51225.2)
48. In accordance with Education Code 51225.31, exempt an eligible student with disabilities from all coursework and other requirements adopted by the charter school board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma (Education Code 51225.31)
49. Grant a high school diploma to any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination (Education Code 51413)
50. Require students to meet the state minimum course requirements for graduation as specified in Education Code 51225.3, as well as any additional graduation requirements required by the governing body (Education Code 51225.3)

Student Expression

51. Allow a student to wear traditional tribal regalia or recognized objects of religious or cultural significance as an adornment at school graduation ceremonies, unless the charter school determines that an item is likely to cause a substantial disruption of, or material interference with, the ceremony (Education Code 35183.1)
52. Provide students the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications (Education Code 48907, 48950)

Staffing

53. Require its teachers to hold a certificate, permit, or other document issued by the Commission on Teacher Credentialing (CTC) as required for the teacher's certificated assignment

Teachers employed by the charter school during the 2019-20 school year shall have until July 1, 2025 to obtain the required certificate required. (Education Code 47605, 47605.4)

54. If the charter school offers transitional kindergarten (TK), require credentialed teachers first assigned to a TK class to meet one of three specified criteria establishing qualification for the position by August 1, 2025, and to maintain adult to student ratios as specified in Education Code 48000 (Education Code 48000)

55. Correct any misassignments if notified by the district that an assignment of a charter school employee is not legally authorized (Education Code 44258.9)
56. Not hire any person who has been convicted of a violent or serious felony except as otherwise provided by law, and, if the charter school contracts with an entity for specified services, verify that any employee of that entity who interacts with students outside of the immediate supervision and control of the student's parent/guardian or a school employee has a valid criminal records summary, unless an exception applies (Education Code 44830.1, 45122.1, 45125.1)
57. Report to CTC any change in a certificated employee's employment status (dismissal, nonreelection, resignation, suspension, unpaid administrative leave for more than 10 days, retirement, or other decision not to employ or reemploy) as a result of an allegation of misconduct or while an allegation of misconduct is pending (Education Code 44030.5)
58. If the charter school chooses to make the state teachers' retirement plan and/or the public employees retirement system available to its employees, meet the requirements of Education Code 47611 (Education Code 47610)
59. Meet the requirements of Government Code 3540-3549.3 related to collective bargaining in public education employment (Education Code 47611.5)
60. If the charter school employs security officers and/or security officers work on the charter school campus, provide the latest course of training developed by the Bureau of Security and Investigative Services of the Department of Consumer Affairs in consultation with the Commission on Peace Officer Standards and Training, as specified (Education Code 38001.5; Business and Professions Code 7583.45)
61. If the charter school provides transportation to students under contract, require drivers to submit and clear tuberculosis risk assessment, unless otherwise exempt by law (Education Code 49406)

Parent/Guardian Involvement

62. On a regular basis, consult with parents/guardians and teachers regarding the charter school's educational programs (Education Code 47605)
63. Notify parents/guardians of applicant students and currently enrolled students that parental involvement is not a requirement for acceptance to, or continued enrollment at, the charter school (Education Code 47605)
64. If 15 percent or more of the students at the charter school speak a single primary language other than English, provide all notices, reports, statements, or records sent to parents/guardians in English and in the primary language (Education Code 48985)

Nutrition

65. Provide a nutritionally adequate breakfast and lunch free of charge during each school day to students requesting a meal regardless of the student's free or reduced-price meal eligibility, including, if the charter school offers independent study, to a student enrolled in independent study on any school day in which the student is scheduled for in-person educational activities of two or more hours (Education Code 49501.5)

If the charter school participates in the National School Lunch Program (NSLP) and School Breakfast Program (SBP) and is a high poverty school, as defined, the charter school shall apply to operate a federal universal meal service provision, and upon approval, apply such service. (Education Code 49501.5, 49564.3)

66. If the charter school participates in the NSLP or SBP, not promote any food or beverage during the school day that does not comply with state nutritional standards pursuant to Education Code 49430-49434, and not participate in a corporate incentive program that offers free or discounted non-nutritious foods or beverages as rewards for students who reach certain academic goals (Education Code 49431.9)

Student Health

67. Adopt a policy on suicide prevention, intervention, and postvention for grades 7-12, and an age-appropriate

policy for grades K-6, and review the policy at least every five years (Education Code 215)

68. Each charter school that serves students in any of grades 6-12 shall create and prominently display an age appropriate and culturally relevant poster that identifies approaches and resources about student mental health (Education Code 49428.5)
69. If the charter school serves grades 7-12 and issues student identification cards, print the telephone numbers of the National Suicide Prevention Lifeline and the National Domestic Violence Hotline on the identification cards (Education Code 215.5)
70. Notify students and parents/guardians at least twice during the school year on how to initiate access to available student mental health services on campus or in the community (Education Code 49428)
71. Provide annual training on child abuse and neglect reporting requirements to employees and persons working on the charter school's behalf who are mandated reporters, within the first six weeks of each school year or within six weeks of employment (Education Code 44691)
72. If the charter school offers an athletic program, annually provide information sheets about concussions/head injuries and sudden cardiac arrest to athletes and their parents/guardians, which must be signed and returned to the school before the athlete initiates practice or competition

In the event that an athlete is suspected of sustaining a concussion or head injury, passes out, or faints during or immediately after participation in an athletic activity, the student shall be immediately removed from the activity for the remainder of the day and shall not be permitted to return to the activity until the student is evaluated by a licensed health care provider and receives written clearance to do so. (Education Code 33479-33479.5, 49475)

73. If the charter school offers an interscholastic athletic program, develop and post a written emergency action plan that describes procedures to be followed in the event of sudden cardiac arrest and other medical emergencies, including concussion and heat illness, the location of emergency medical equipment, and the rehearsal of such procedures; acquire at least one automated external defibrillator (AED) for the school; and make the AED available at on-campus athletic activities or events (Education Code 35179.4, 35179.6)
74. If the charter school sponsors or hosts an on-campus event in or around a swimming pool that is not part of an interscholastic athletic program, provide for the presence of at least one adult with a valid certification of cardiopulmonary resuscitation training throughout the duration of the event (Education Code 35179.6)
75. Provide school nurses or other voluntary, trained personnel with emergency epinephrine auto-injectors of the type required pursuant to Education Code 49414 (Education Code 49414)
76. If the charter school chooses to make an opioid antagonist available to persons suffering, or reasonably believed to be suffering, from an opioid overdose, or to make emergency stock albuterol inhalers available to persons suffering, or reasonably believed to be suffering, from respiratory distress, comply with the requirements of Education Code 49414.3 and 49414.7, including, but not limited to, providing training to personnel who volunteer to administer the opioid antagonist

Student Conduct/Discipline

77. Prohibit the denial of recess to a student unless the student's participation poses an immediate threat to the student's physical safety or to the physical safety of one or more of the student's peers (Education Code 49056)
78. Adopt a policy on bullying and cyberbullying prevention, post specified information on bullying and harassment prevention on the charter school's website, and annually make CDE's online training module on bullying prevention available to school site certificated employees and other employees who have regular interaction with students (Education Code 234.4, 234.6, 32283.5)
79. Adopt and display a written policy on sexual harassment, include the policy as part of any orientation for new and continuing students, and post a poster notifying students of the policy (Education Code 231.5, 231.6)
80. Prohibit seclusion and behavioral restraint of students as a means of discipline, and only use such methods to

control student behavior that poses a clear and present danger of serious physical harm to a student or others that cannot be immediately prevented by a less restrictive response (Education Code 49005-49006.4)

81. Until June 30, 2029, neither recommend for expulsion nor suspend a student in grades K-12 for disrupting school activities or otherwise willfully defying the authority of school personnel in the performance of their duties (Education Code 48901.1)
82. Upon request, provide a student who is suspended for two or more days with the homework assigned during the period of suspension (Education Code 47606.2, 48913.5)

Student and Parent/Guardian Records

83. Not collect or solicit social security numbers or the last four digits of social security numbers from students or their parents/guardians unless otherwise required to do so by state or federal law (Education Code 49076.7)
84. Upon written request, not include the directory information of a student or the personal information of a parent/guardian, as defined, in the minutes of a meeting of the governing body (Education Code 49073.2)
85. If a student subject to compulsory full-time education is expelled or leaves the charter school without graduating or completing the school year for any reason, notify the Superintendent of the school district of the student's last known address within 30 days and, upon request, provide that district with a copy of the student's cumulative record, including a transcript of grades or report card, and health information (Education Code 47605)
86. If the charter school serves high school students, submit to the Student Aid Commission (CSAC), for use in the Cal Grant program, the grade point average (GPA) of all students in grade 12 and verification of high school graduation or its equivalent for students who graduated in the prior academic year

However, such information shall not be submitted when students opt out or are permitted by the rules of CSAC to provide test scores in lieu of the GPA. (Education Code 69432.9, 69432.92)

87. Upon receipt of government-issued documentation of a change of name or gender or, if such documentation is not available, upon request in accordance with the procedure in Education Code 49070, update, and reissue if requested, a former student's records to include the student's updated legal name or gender (Education Code 49062.5, 49070)

Facilities

88. Comply with the California Building Standards Code as adopted and enforced by the local building enforcement agency with jurisdiction over the area in which the charter school is located, unless the charter school facility meets either of the following conditions: (Education Code 47610, 47610.5)
 - a. The facility complies with the Field Act pursuant to Education Code 17280-17317 and 17365-17374
 - b. The facility is exclusively owned or controlled by an entity that is not subject to the California Building Standards Code, including, but not limited to, the federal government
89. If the charter school serves students in any of grades 3-12, stock the school's restrooms at all times with an adequate supply of menstrual products available and accessible free of cost in all women's restrooms, all-gender restrooms, and in at least one men's restroom (Education Code 35292.6)

Finance

90. Promptly respond to all reasonable inquiries from the district, the county office of education, or the Superintendent of Public Instruction (SPI), including, but not limited to, inquiries regarding the charter school's financial records (Education Code 47604.3)
91. Maintain written contemporaneous records that document all student attendance and make these records available for audit and inspection (Education Code 47612.5)
92. Identify and report to the SPI any portion of the charter school's average daily attendance that is generated

through nonclassroom-based instruction, including, but not limited to, independent study, home study, work study, and distance and computer-based education (Education Code 47612.5, 47634.2; 5 CCR 11963.2)

93. Annually prepare and submit financial reports to the Board and the County Superintendent in accordance with the following reporting cycle:

a. By July 1, a preliminary budget for the current fiscal year

For a charter school in its first year of operation, financial statements submitted with the charter petition pursuant to Education Code 47605(g) will satisfy this requirement. (Education Code 47604.33)

b. By December 15, an interim financial report for the current fiscal year reflecting changes through October 31 (Education Code 47604.33)

c. By March 15, a second interim financial report for the current fiscal year reflecting changes through January 31 (Education Code 47604.33)

d. By September 15, a final unaudited report for the full prior year

The report submitted to the Board shall include an annual statement of all the charter school's receipts and expenditures for the preceding fiscal year. (Education Code 42100, 47604.33)

e. By December 15, a copy of the charter school's annual, independent financial audit report for the preceding fiscal year, unless the charter school's audit is encompassed in the district's audit

The audit report shall also be submitted to the State Controller and CDE. (Education Code 47605)

94. If the charter school receives state facilities funding pursuant to the Leroy F. Greene School Facilities Act (Education Code 17070.10-17079.30), annually report a detailed list of all expenditures of state funds, and of the school's matching funds for completed projects, and submit an audit of completed facilities projects within one year of project completion (Education Code 41024)

Accountability

95. Annually adopt a school accountability report card (Education Code 33126, 47612; California Constitution, Article 16, Section 8.5)

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

State References	Description
5 CCR 11700-11705	Independent study
5 CCR 11960-11969.10	Charter schools
5 CCR 4600-4670	Uniform complaint procedures
Bus. And Prof. Code 7583.45	Training for security officers
CA Constitution Article 16, Section 8.5	<u>Public finance; school accountability report card</u>
CA Constitution Article 9, Section 5	<u>Common school system</u>
Corp. Code 5110-6910	Nonprofit public benefit corporations
Ed. Code 1006	<u>Prohibition against school district employees serving on county board of education</u>
Ed. Code 17070.10-17079.30	<u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17280-17317	<u>Field Act; approval of plans and supervision of construction</u>
Ed. Code 17365-17374	<u>Field Act; fitness for occupancy; liability of board members</u>
Ed. Code 215	<u>Suicide prevention policies</u>

State References

Ed. Code 215.5
Ed. Code 220
Ed. Code 221.61
Ed. Code 221.9
Ed. Code 222
Ed. Code 222.5
Ed. Code 231.5
Ed. Code 234.4
Ed. Code 234.6
Ed. Code 234.7
Ed. Code 243
Ed. Code 32280-32289.5
Ed. Code 32283.5
Ed. Code 33353
Ed. Code 33479-33479.9
Ed. Code 35120
Ed. Code 35179.4-35179.6

Ed. Code 35183.1
Ed. Code 35292.6
Ed. Code 35330
Ed. Code 38001.5
Ed. Code 38080-38086
Ed. Code 39831.3
Ed. Code 39843

Ed. Code 41024
Ed. Code 42100
Ed. Code 44030.5
Ed. Code 44237
Ed. Code 44691
Ed. Code 44830.1
Ed. Code 45122.1
Ed. Code 45125.1
Ed. Code 46015
Ed. Code 46390-46393
Ed. Code 47600-47616.7
Ed. Code 47634.2
Ed. Code 47640-47647
Ed. Code 47651

Description

Student identification cards; inclusion of safety hotlines
Prohibition of discrimination
Posting of Title IX information on website
Sex equity in competitive athletics
Reasonable accommodations; lactating students
Pregnant and parenting students; notification of rights
Sexual harassment policy
Mandated policy on bullying prevention
Bullying and harassment prevention information
Student protections relating to immigration and citizenship status
Prohibition of discrimination; instructional materials
School safety plans
Bullying; online training
California Interscholastic Federation incident tracking
The Eric Parades Sudden Cardiac Arrest Prevention Act
Student board membership
Interscholastic athletic programs, safety; swimming pool safety that is not part of interscholastic athletic program
Graduation ceremonies; tribal regalia or recognized object of religious/cultural significance
Stocking of menstrual products
Field trips and excursions; student fees
Training for security officers
School meals
Transportation safety plan
Disciplinary action against bus driver; report to Department of Motor Vehicles
Report of expenditure of state facility funds
Annual statement of receipts and expenditures
Reporting change in employment status due to alleged misconduct
Criminal record summary
Information on detection of child abuse; annual training
Certificated employees; conviction of a violent or serious felony
Classified employees; conviction of a violent or serious felony
Criminal records summary; employees of contracting entity
Accommodations for pregnant and parenting students; parental leave
Emergency average daily attendance
Charter Schools Act of 1992
Nonclassroom-based instruction
Special education funding for charter schools
Apportionment of funds; charter schools

State References

Ed. Code 48000
Ed. Code 48010
Ed. Code 48206.3-48208
Ed. Code 48850-48859
Ed. Code 48900
Ed. Code 48901.1
Ed. Code 48907
Ed. Code 48913.5
Ed. Code 48950
Ed. Code 48985
Ed. Code 49005-49006.4
Ed. Code 49010
Ed. Code 49011
Ed. Code 49014
Ed. Code 49056
Ed. Code 49061
Ed. Code 49062.5
Ed. Code 49070
Ed. Code 49073.2
Ed. Code 49076.7
Ed. Code 49110
Ed. Code 49381
Ed. Code 49406
Ed. Code 49414
Ed. Code 49414.3
Ed. Code 49414.7
Ed. Code 49428
Ed. Code 49428.5
Ed. Code 49430-49434
Ed. Code 49431.9
Ed. Code 49475
Ed. Code 49501.5
Ed. Code 49550-49564.5
Ed. Code 49557.5
Ed. Code 49564.3
Ed. Code 49603
Ed. Code 49700-49701
Ed. Code 51224.7
Ed. Code 51225.1-51225.2

Description

Minimum age of admission for kindergarten; transitional kindergarten
Minimum age of admission to first grade
Students with temporary disabilities; individual instruction
Education of foster youth and homeless students
Grounds for suspension or expulsion
Suspension and expulsion; willful defiance
Exercise of free expression; time, place, and manner rules and regulations
Suspended students; homework assignments
Speech and other communication
Notices to parents in language other than English
Seclusion and restraint
Student fees
Student fees
Public School Fair Debt Collection Act
Prohibition of denial of recess
Definitions; directory information
Student records; name or gender change
Challenging student records
Privacy of student and parent/guardian personal information; minutes of board meeting
Student records; data privacy; social security numbers
Authority to issue work permits
Human trafficking prevention
TB risk assessment
Epinephrine auto-injectors
Administration of opioid antagonist
Administration of albuterol inhalers
Notification of mental health services
Employment of medical personnel
The Pupil Nutrition, Health, and Achievement Act of 2001
Prohibition of advertisement of non-nutritious foods
Health and safety; concussions and head injuries
Free breakfast and lunch to all students
Meals for needy students
Child Hunger Prevention and Fair Treatment Act of 2017
Provision of federal universal meal service
On campus access to employers and military services
Education of children of military families
Mathematics placement policy
Exemption from local graduation requirements; acceptance of coursework

State References

Ed. Code 51225.3

Ed. Code 51225.6

Ed. Code 51225.7-51225.8

Ed. Code 51413

Ed. Code 51744-51749.6

Ed. Code 51925-51929

Ed. Code 51930-51939

Ed. Code 52052

Ed. Code 52060-52077

Ed. Code 52075

Ed. Code 52770

Ed. Code 56026

Ed. Code 56040.3

Ed. Code 56145-56146

Ed. Code 56365-56366.12

Ed. Code 56521.1-56521.2

Ed. Code 60600-60649

Ed. Code 64000

Ed. Code 64001

Ed. Code 65000-65001

Ed. Code 69432.9-69432.92

Gov. Code 1090-1099

Gov. Code 3540-3549.3

Gov. Code 3555-3559

Gov. Code 54950-54963

Gov. Code 7920.000-7930.215

Gov. Code 81000-91014

H&S Code 104420

H&S Code 104559

Lab. Code 1198.5

Lab. Code 3074.2

Pen. Code 1192.7

Pen. Code 667.5

Veh. Code 28160

Federal References

20 USC 1681-1688

20 USC 6311

20 USC 7221-7221j

Description

High school graduation requirements

Instruction in cardiopulmonary resuscitation; districts that require health education for graduation

Completion and submission of the Free Application for Federal Student Aid and California Dream Act Application

Diploma of graduation without passage of high school exit examination

Independent study

Mandatory mental health education

California Healthy Youth Act

Accountability; numerically significant student subgroups

Local control and accountability plan

Uniform complaint procedures

College and career fairs

Special education

Availability of assistive technology device

Special education services in charter schools

Nonpublic, nonsectarian schools

Emergency Interventions

Assessment of academic achievement

Categorical programs included in consolidated application

School plan for student achievement; consolidated application programs

School site councils

Cal Grant program; notification of grade point average and high school graduation

Prohibitions applicable to specified officers

Educational Employment Relations Act

Public employee communication, information and orientation

The Ralph M. Brown Act

California Public Records Act

Political Reform Act

Tobacco Use Prevention Education grant program

Tobacco-free schools

Personnel records related to performance and grievance

College and career fairs; notice to apprenticeship programs

Definition of serious felony

Definition of violent felony

Child safety alert system

Description

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

State plan

Charter schools

Federal References

34 CFR 200.1-200.78

42 USC 11431-11435

Description

Accountability

McKinney-Vento Homeless Assistance Act

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

CA Office of Administrative Hearings Decisions

California Department of Education Publication

California Department of Education Publication

California Dept. of Pesticide Reg. Publication

California Interscholastic Federation Publication

Court Decision

CSBA Publication

CSBA Publication

CSBA Publication

U.S. DOE Guidance

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Description

104 Ops.Cal.Atty.Gen. 66 (2021)

101 Ops.Cal.Atty.Gen. 92 (2018)

78 Ops.Cal.Atty.Gen. 297 (1995)

89 Ops.Cal.Atty.Gen. 166 (2006)

80 Ops.Cal.Atty.Gen. 52 (1997)

Student v. Horizon Instructional Systems Charter School (2012) OAH Case No. 2011060763

[Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020](#)[California School Accounting Manual](#)

School District Integrated Pest Management Plan Template

[Pursuing Victory with Honor, 1999](#)

Ridgecrest Charter School v. Sierra Sands Unified School District (2005) 130 Cal.App.4th 986

Charter Schools: A Guide for Governance Teams, rev. 2021

Charter Schools in Focus, Issue 2: Ensuring Effective Oversight, Governance Brief, October 2017

Uncharted Waters: Recommendations for Prioritizing Student Achievement and Effective Governance in California's Charter Schools, September 2018

Charter Schools Program: Title V, Part B of the ESEA, Nonregulatory Guidance, January 2014

[CSBA District and County Office of Education Legal Services](#)[U.S. Department of Agriculture](#)[National Suicide Prevention Lifeline](#)[National Domestic Violence Hotline](#)[California State Teachers Retirement System](#)[California Public Employees Retirement System](#)[California Department of General Services, Office of Administrative Hearings](#)[California Commission on Teacher Credentialing](#)[California Commission on Peace Officer Standards and Training](#)[California Bureau of Security and Investigative Services](#)[California Department of Pesticide Regulation](#)[California State Controller](#)[California Student Aid Commission](#)[National Association of Charter School Authorizers](#)[California Charter Schools Association](#)[California Department of Education, Charter Schools](#)[California Interscholastic Federation](#)

Management Resources References

Website

Website

Website

Description

[California Office of the Attorney General](#)

[CSBA](#)

[U.S. Department of Education](#)

Cross References

0420.4

[Charter School Authorization](#)

0420.4

[Charter School Authorization](#)

0420.42

[Charter School Renewal](#)

0420.43

[Charter School Revocation](#)

0460

[Local Control And Accountability Plan](#)

0460

[Local Control And Accountability Plan](#)

0500

[Accountability](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E(1)

[Uniform Complaint Procedures](#)

1312.3-E(2)

[Uniform Complaint Procedures](#)

1431

[Waivers](#)

6162.51

[State Academic Achievement Tests](#)

6162.51

[State Academic Achievement Tests](#)

7160

[Charter School Facilities](#)

7160

[Charter School Facilities](#)

Policy 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 07/01/2007 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school websites. The use of district and school websites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

Design Standards

The Superintendent or designee shall establish design standards for district and school websites in order to maintain a consistent identity, professional appearance, and ease of use.

District design standards shall require an evaluation of products, features, and content accessible to students on district and school websites to prevent access to harmful or potentially harmful material.

The district's design standards shall address the accessibility of district and school websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

Website Content

The Superintendent or designee shall develop content guidelines for district and school websites and assign staff to review and approve content prior to posting.

Board policy pertaining to advertising in district and school publications, as specified in Board Policy 1325 - Advertising and Promotion, shall also apply to advertising on district and school websites.

Privacy Rights

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school websites.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school websites.

OPTION 1: The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with the student's name, may be published on district or school websites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with Board Policy and Administrative Regulation 5125.1 - Release of Directory Information.

END OF OPTION 1

OPTION 2: Photographs of individual students shall not be published on district or school websites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

END OF OPTION 2

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district websites.

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on

district or school websites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school websites without the prior written permission of that individual. (Government Code 3307.5, 7928.205, 7920.535)

No public safety official shall be required to consent to the posting on the Internet of the public safety official's photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or the officer's family. (Government Code 3307.5)

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

Bus. and Prof. Code 22580-22582

Bus. and Prof. Code 22584-22585

Bus. and Prof. Code 22586-22587

Ed. Code 32526

Ed. Code 33353

Ed. Code 35182.5

Ed. Code 35258

Ed. Code 42103

Ed. Code 48852.6

Ed. Code 48907

Ed. Code 48950

Ed. Code 48985.5

Ed. Code 49006

Ed. Code 49061

Ed. Code 49073

Ed. Code 5092

Ed. Code 60048

Gov. Code 11135

Gov. Code 12950

Gov. Code 3307.5

Gov. Code 7920.000-7930.215

Pen. Code 14029.5

Pub. Res. Code 21082.1

Description

[Privacy rights for California minors in the digital world](#)

[Student Online Personal Information Protection Act](#)

[Early Learning Personal Information Protection Act](#)

[Use of learning recovery funds](#)

[California Interscholastic Federation incident tracking](#)

[Contracts for advertising](#)

[Internet access to school accountability report cards](#)

[Budget notification](#)

[Information regarding homelessness](#)

[Exercise of free expression; time, place, and manner rules and regulations](#)

[Speech and other communication](#)

[Synthetic drugs](#)

[Seclusion and restraint](#)

[Definitions; directory information](#)

[Release of directory information](#)

[Filling Vacancies](#)

[Commercial brand names, contracts or logos](#)

[Prohibition of discrimination](#)

[California Civil Rights Department posters](#)

[Publishing identity of public safety officers](#)

[California Public Records Act](#)

[Prohibition against publishing personal information of person in witness protection program](#)

[California Environmental Quality Act environmental review documents](#)

Federal References

16 CFR 312.1-312.13

17 USC 101-122

17 USC 504

20 USC 1232g

29 USC 705

Description

[Children's Online Privacy Protection Act](#)

[Subject matter and scope of copyright](#)

[Penalties for copyright infringement](#)

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

[Definitions; Vocational Rehabilitation Act](#)

Federal References

29 USC 794
34 CFR 104.1-104.61
34 CFR 99.1-99.67
42 USC 12101-12213

Description

Rehabilitation Act of 1973; Section 504
Nondiscrimination on the basis of disability
Family Educational Rights and Privacy
Americans with Disabilities Act

Management Resources References

CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
Court Decision
Court Decision
U.S. Department of Agriculture Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOJ, Civil Rights Division Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

Website

World Wide Web Consortium Publication

Description

Family Care and Medical Leave and Pregnancy Disability Leave
[California Law Prohibits Workplace Discrimination and Harassment](#)
Transgender Rights in the Workplace
Your Rights and Obligations as a Pregnant Employee
Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)
[Dear Colleague Letter: Race and School Programming, August 2023](#)
[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)
[California Interscholastic Federation](#)
[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)
[California Cybersecurity Integration Center](#)
CSBA District and County Office of Education Legal Services
[Governor's Office of Planning and Research, The California Environmental Quality Act](#)
[California Department of Education, Web Accessibility Standards](#)
[California School Public Relations Association](#)
[California Interscholastic Federation](#)
U.S. Department of Justice, Civil Rights Division, Disability Rights Section
[World Wide Web Consortium, Web Accessibility Initiative](#)
CSBA
U.S. Department of Education, Office for Civil Rights
California Civil Rights Department
[Web Content Accessibility Guidelines, June 2018](#)

Cross References

0000
0410
0440
0440
0450
0450
0460
0460

Description

[Vision](#)
Nondiscrimination In District Programs And Activities
[District Technology Plan](#)
[District Technology Plan](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Local Control And Accountability Plan](#)
[Local Control And Accountability Plan](#)

Cross References	Description
0500	<u>Accountability</u>
0510	<u>School Accountability Report Card</u>
1100	<u>Communication With The Public</u>
1112	<u>Media Relations</u>
1114	<u>District-Sponsored Social Media</u>
1114	<u>District-Sponsored Social Media</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1325	<u>Advertising And Promotion</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
3100	<u>Budget</u>
3100	<u>Budget</u>
3290	<u>Gifts, Grants And Requests</u>
3311	<u>Bids</u>
3311	<u>Bids</u>
3513.3	<u>Tobacco-Free Schools</u>
3513.3	<u>Tobacco-Free Schools</u>
3515	<u>Campus Security</u>
3515	<u>Campus Security</u>
3515.3	<u>District Police/Security Department</u>
3515.3	<u>District Police/Security Department</u>
3515.7	<u>Firearms On School Grounds</u>
3516	<u>Emergencies And Disaster Preparedness Plan</u>
3516	<u>Emergencies And Disaster Preparedness Plan</u>
3516.5	<u>Emergency Schedules</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3552	<u>Summer Meal Program</u>
3552	<u>Summer Meal Program</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4040	<u>Employee Use Of Technology</u>
4040-E(1)	<u>Employee Use Of Technology</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>

Cross References**Description**

4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4131	<u>Staff Development</u>
4132	<u>Publication Or Creation Of Materials</u>
4161.8	<u>Family Care And Medical Leave</u>
4219.21	<u>Professional Standards</u>
4219.21-E(1)	<u>Professional Standards</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4231	<u>Staff Development</u>
4232	<u>Publication Or Creation Of Materials</u>
4261.8	<u>Family Care And Medical Leave</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4331	<u>Staff Development</u>
4332	<u>Publication Or Creation Of Materials</u>
4361.8	<u>Family Care And Medical Leave</u>
5022	<u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.41	<u>Use Of Seclusion And Restraint</u>
5141.5	<u>Mental Health</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6152.1	<u>Placement In Mathematics Courses</u>
6152.1	<u>Placement In Mathematics Courses</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E(1)	<u>Education For Homeless Children</u>

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Regulation 1113: District And School Websites

Status: ADOPTED

Original Adopted Date: 03/01/2000 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Design Standards

The Superintendent or designee shall develop design standards for district and school websites that include, but are not limited to, guidelines to ensure the clear organization of the material, readability of the font type and size, and simplicity of the navigation structure linking the content on the website. Such standards shall take into consideration the ease of use on a wide range of devices.

In accordance with the requirements of the Americans with Disabilities Act and Section 504 of the federal Rehabilitation Act of 1973, district and school websites shall contain features that ensure accessibility for individuals with disabilities, which may include, but are not limited to, captions for videos and multimedia presentations, text alternatives to images, provision of sufficient time to use the content, avoidance of flashing images, adequate contrast in visual presentations, and/or other features that meet applicable standards for website accessibility. The Superintendent or designee shall regularly review district and school websites and modify them as needed to ensure legal compliance with accessibility standards.

Website Content

As applicable, district and school websites shall provide current information regarding the district's mission and goals, district/school programs and operations, district/school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, links to educational resources.

With approval of the principal, individual teachers may create web pages linked to the district or school website to provide information pertaining to class assignments, expectations, and activities.

Student work may be published on district or school websites provided that both the student and the student's parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

Any copyrighted material to be posted on a district or school website shall be submitted to the Superintendent or designee together with the permission of the copyright owner to reprint the material. Any copyrighted material submitted without the copyright owner's permission shall only be posted on a district or school website if the Superintendent or designee determines that the material is in the public domain or that the intended use meets the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the website shall include a notice crediting the copyright owner and, as necessary, shall note that permission to reprint the material was granted.

Whenever a district or school website includes links to external websites, it shall include a disclaimer that the district is not responsible for the content of external websites.

Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the website(s) upon approval of the Superintendent or designee. The employee shall review district and school websites to ensure consistency with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct editorial reviews of all materials submitted for publication on district or school websites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and

school webmasters, and/or other appropriate staff.

Security

Pursuant to Education Code 35266, districts that experience a cyberattack which impacts more than 500 students or personnel are required to report such cyberattack to the California Cybersecurity Integration Center.

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school websites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

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

Bus. and Prof. Code 22580-22582

Bus. and Prof. Code 22584-22585

Bus. and Prof. Code 22586-22587

Ed. Code 32526

Ed. Code 33353

Ed. Code 35182.5

Ed. Code 35258

Ed. Code 42103

Ed. Code 48852.6

Ed. Code 48907

Ed. Code 48950

Ed. Code 48985.5

Ed. Code 49006

Ed. Code 49061

Ed. Code 49073

Ed. Code 5092

Ed. Code 60048

Gov. Code 11135

Gov. Code 12950

Gov. Code 3307.5

Gov. Code 7920.000-7930.215

Pen. Code 14029.5

Pub. Res. Code 21082.1

Description

[Privacy rights for California minors in the digital world](#)

[Student Online Personal Information Protection Act](#)

[Early Learning Personal Information Protection Act](#)

[Use of learning recovery funds](#)

[California Interscholastic Federation incident tracking](#)

[Contracts for advertising](#)

[Internet access to school accountability report cards](#)

[Budget notification](#)

[Information regarding homelessness](#)

[Exercise of free expression: time, place, and manner rules and regulations](#)

[Speech and other communication](#)

[Synthetic drugs](#)

[Seclusion and restraint](#)

[Definitions; directory information](#)

[Release of directory information](#)

[Filling Vacancies](#)

[Commercial brand names, contracts or logos](#)

[Prohibition of discrimination](#)

[California Civil Rights Department posters](#)

[Publishing identity of public safety officers](#)

[California Public Records Act](#)

[Prohibition against publishing personal information of person in witness protection program](#)

[California Environmental Quality Act environmental review documents](#)

Federal References

16 CFR 312.1-312.13

17 USC 101-122

17 USC 504

20 USC 1232g

29 USC 705

Description

[Children's Online Privacy Protection Act](#)

[Subject matter and scope of copyright](#)

[Penalties for copyright infringement](#)

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)

[Definitions; Vocational Rehabilitation Act](#)

Federal References

29 USC 794
34 CFR 104.1-104.61
34 CFR 99.1-99.67
42 USC 12101-12213

Description

Rehabilitation Act of 1973; Section 504
Nondiscrimination on the basis of disability
Family Educational Rights and Privacy
Americans with Disabilities Act

Management Resources References

CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
CA Civil Rights Department Publication
Court Decision
Court Decision
U.S. Department of Agriculture Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOJ, Civil Rights Division Publication

Description

Family Care and Medical Leave and Pregnancy Disability Leave
[California Law Prohibits Workplace Discrimination and Harassment](#)
Transgender Rights in the Workplace
Your Rights and Obligations as a Pregnant Employee
Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
[Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016](#)
[Dear Colleague Letter: Race and School Programming, August 2023](#)
[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)

Website

[California Interscholastic Federation](#)

Website

[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)

Website

[California Cybersecurity Integration Center](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[Governor's Office of Planning and Research, The California Environmental Quality Act](#)

Website

[California Department of Education, Web Accessibility Standards](#)

Website

[California School Public Relations Association](#)

Website

[California Interscholastic Federation](#)

Website

[U.S. Department of Justice, Civil Rights Division, Disability Rights Section](#)

Website

[World Wide Web Consortium, Web Accessibility Initiative](#)

Website

[CSBA](#)

Website

[U.S. Department of Education, Office for Civil Rights](#)

Website

[California Civil Rights Department](#)

World Wide Web Consortium Publication

[Web Content Accessibility Guidelines, June 2018](#)

Cross References

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[Vision](#)
Nondiscrimination In District Programs And Activities
[District Technology Plan](#)
[District Technology Plan](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
Local Control And Accountability Plan
[Local Control And Accountability Plan](#)

Cross References

	Description
0500	<u>Accountability</u>
0510	<u>School Accountability Report Card</u>
1100	<u>Communication With The Public</u>
1112	<u>Media Relations</u>
1114	<u>District-Sponsored Social Media</u>
1114	<u>District-Sponsored Social Media</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1325	<u>Advertising And Promotion</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
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3100	<u>Budget</u>
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3311	<u>Bids</u>
3311	<u>Bids</u>
3513.3	<u>Tobacco-Free Schools</u>
3513.3	<u>Tobacco-Free Schools</u>
3515	<u>Campus Security</u>
3515	<u>Campus Security</u>
3515.3	<u>District Police/Security Department</u>
3515.3	<u>District Police/Security Department</u>
3515.7	<u>Firearms On School Grounds</u>
3516	<u>Emergencies And Disaster Preparedness Plan</u>
3516	<u>Emergencies And Disaster Preparedness Plan</u>
3516.5	<u>Emergency Schedules</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3552	<u>Summer Meal Program</u>
3552	<u>Summer Meal Program</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4040	<u>Employee Use Of Technology</u>
4040-E(1)	<u>Employee Use Of Technology</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>

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4161.8	<u>Family Care And Medical Leave</u>
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4219.21-E(1)	<u>Professional Standards</u>
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4261.8	<u>Family Care And Medical Leave</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4331	<u>Staff Development</u>
4332	<u>Publication Or Creation Of Materials</u>
4361.8	<u>Family Care And Medical Leave</u>
5022	<u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.41	<u>Use Of Seclusion And Restraint</u>
5141.5	<u>Mental Health</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6152.1	<u>Placement In Mathematics Courses</u>
6152.1	<u>Placement In Mathematics Courses</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6162.6	<u>Use Of Copyrighted Materials</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E(1)	<u>Education For Homeless Children</u>

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Exhibit 1113-E(1): District And School Websites

Status: ADOPTED

Original Adopted Date: 10/01/2020 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

MATERIALS REQUIRED TO BE POSTED ON DISTRICT WEBSITE

This exhibit is a non-exhaustive list of materials which the law explicitly requires be posted on district or school websites. Other posting requirements may exist and may be identified in the future.

Materials to Prominently Display

The following must be posted in a prominent location on the district's website, such as on the home page when required by law:

1. The district's local control and accountability plan (LCAP), any updates or revisions to the LCAP, and the local control funding formula budget overview (Education Code 52064.1, 52065). See AR 0460 - Local Control and Accountability Plan.
2. A direct link to the current board agenda containing the time and location of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, or a link to the district's agenda management platform where the current agenda shall be the first available (Government Code 54954.2, 54956). Post at least 72 hours before a regular board meeting or 24 hours before a special meeting. See BB 9320 - Meetings and Notices and BB 9322 - Agenda/Meeting Materials.
3. The district's policy on student suicide prevention including, for grades K-6, the age appropriateness of the policy (Education Code 234.6). See BP 5141.52 - Suicide Prevention.
4. The district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media (Education Code 234.6). See AR 5131.2 - Bullying and AR 5145.3 - Nondiscrimination/Harassment.
5. The district's policy on preventing and responding to hate violence, if the district has adopted such a policy (Education Code 234.6). See BP 5145.9 - Hate-Motivated Behavior.
6. The definition of discrimination and harassment based on sex as described in Education Code 230, including the rights set forth in Education Code 221.8 (Education Code 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
7. Information regarding Title IX prohibitions against discrimination based on a student's sex, including sex stereotypes, sex characteristics, gender, gender identity, sexual orientation, pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery, and parental, family, and marital status; that inquiries about the application of Title IX may be referred to the Title IX Coordinator or the U.S. Department of Education's Office for Civil Rights (OCR); the name and contact information of the Title IX Coordinator; how to locate the district's nondiscrimination policy and grievance procedures; how to report information about conduct that may constitute sex discrimination under Title IX; the rights of students and the public as specified in Education Code 221.8; the responsibilities of the district under Title IX; web links to information about those rights and responsibilities on the websites of the Office for Equal Opportunity and OCR; a description of how to file a complaint of noncompliance under Title IX with specified components; and a link to Title IX information posted on the California Department of Education's (CDE) website (Education Code 221.6, 221.61, 234.6; 34 CFR 106.2, 106.8, 106.10). See AR 5145.3 - Nondiscrimination/Harassment and AR 5145.7 - Sexual Harassment.
8. A link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families (Education Code 234.5, 234.6). See AR 5145.3 - Nondiscrimination/Harassment.
9. Posters published by the California Civil Rights Department (CRD) including, "California Law Prohibits Workplace Discrimination and Harassment," and for districts with five or more employees, "The Rights of

Employees Who Are Transgender or Gender Nonconforming," "Your Rights and Obligations as a Pregnant Employee," and "Family Care and Medical Leave and Pregnancy Disability Leave" (Government Code 12950). See AR 4030 - Nondiscrimination in Employment and AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

10. If the district has formed a community facilities district (Mello-Roos district) for the acquisition or improvement of school facilities, a copy of the annual report for the fiscal year if requested pursuant to Government Code 53343.1, the report provided to the California Debt and Investment Advisory Commission pursuant to Government Code 53359.5, and the report provided to the State Controller's office pursuant to Government Code 12463.2 (Government Code 53343.2). Post within seven months after the last day of the fiscal year. See BP 7212 - Mello-Roos Districts.

Other Postings

The following materials are also required to be posted on the district website. However, there are no specific requirements related to where they are posted on the website.

11. The Special Education Local Plan Area's approved comprehensive local plan for special education, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans (Education Code 56205.5). See AR 0430 - Comprehensive Local Plan for Special Education.
12. The district's nondiscrimination policy and regulation, including the complaint procedure and the compliance coordinator's contact information (34 CFR 100.6, 106.8). See BP 0410 - Nondiscrimination in District Programs and Activities and AR 4030 - Nondiscrimination in Employment.
13. Contact information for the district's liaison(s) for homeless students and other persons as required by Education Code 48852.6, and information regarding the educational rights and resources available to persons experiencing homelessness (Education Code 48852.6). See AR 6173 - Education for Homeless Children.
14. For all schools offering competitive athletics, the total enrollment of the school classified by gender, the number of students enrolled at the school who participate in competitive athletics classified by gender, and the number of boys' and girls' teams classified by sport and by competition level (Education Code 221.9). The information shall be posted at the end of the school year on the school's website or, if the school does not have a website, on the district's website. See AR 6145.2 - Athletic Competition.
15. If the district has interdistrict attendance agreement(s), the procedures and timelines for requesting an interdistrict transfer permit, including, but not limited to, a link to the board's policy on interdistrict attendance, the date that the district will begin accepting applications, reasons that the district may approve/deny the request, the process for appeal, that failure to meet timelines will be deemed an abandonment of the request, and the condition under which an existing interdistrict transfer permit may be revoked or rescinded (Education Code 46600.2). See AR 5117 - Interdistrict Transfer.
16. If the district has elected to be a school district of choice, application information including, at a minimum, any applicable form, the timeline for a transfer, and an explanation of the selection process (Education Code 48301). See AR 5117 - Interdistrict Transfer.
17. For districts that offer grade 9, the district's policy and protocols related to student placement in mathematics courses (Education Code 51224.7). See AR 6152.1 - Placement in Mathematics Courses.
18. The section(s) of the district's employee code of conduct addressing interactions with students. These section(s) or a link to them shall be posted on each school's website or, if a school does not have its own website, on the district's website in a manner that is accessible to the public without a password. (Education Code 44050) See BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions.
19. The district's meal payment collection policy and procedures (U.S. Department of Agriculture (USDA) Memorandum SP 46-2016). See BP/AR 3551 - Food Services Operations/Cafeteria Fund.
20. If the district includes information about the free and reduced-priced meal program on its website, a nondiscrimination statement about the district's status as an equal opportunity provider and the address of the agency with responsibility to handle complaints made against the district (USDA FNS Instruction 113-1). For

the required wording of the statement, see E(1) 3555 - Nutrition Program Compliance.

21. The school's or district's integrated pest management plan, whenever a school chooses to use a pesticide not exempted pursuant to Education Code 17610.5. The plan shall be posted on the school's website or, if the school does not have a website, then on the district's website. (Education Code 17611.5). See AR 3514.2 Integrated Pest Management.
22. When the California Environmental Quality Act requires an environmental impact report, negative declaration, or mitigated negative declaration, those environmental review documents, public notice of the preparation and availability of such documents within a reasonable period of time prior to certification of the environmental impact report, adoption of a negative declaration, or determination that a proposed subsequent project will have no additional significant effect on the environment, and specified notices when written requests for notices have been filed (Public Resources Code 21082.1, 21092, 21092.2). See BP 7150 - Site Selection And Development.
23. When a citizens' oversight committee is formed after the approval of a bond under the 55 percent majority threshold, the committee's minutes, documents received, and reports issued (Education Code 15280). See AR 7214 - General Obligation Bonds.
24. Copy of each school's school accountability report card, on or before February 1 of each year (Education Code 35258). See BP 0510 - School Accountability Report Card.
25. Results of the Western Association of Schools and Colleges (WASC) or other accrediting agency's inspection of a school, within 60 days of receiving the results. (This notification could be made in writing to parents/guardians instead of or in addition to posting the results on the district's website.) In addition, if a school loses its WASC or other agency's accreditation, the district and school shall post on their websites a notice of the loss of accreditation and potential consequences (Education Code 35178.4). See BP 6190 - Evaluation of the Instructional Program.
26. The district's COVID-19 testing plan (Education Code 32096).
27. Using the template developed by CDE, the use of Learning Recovery Emergency Funds, with interim reports posted by December 1, 2024 and annually thereafter, and a final report by December 15, 2029 (Education Code 32526).
28. An age appropriate and culturally relevant digitized poster that identifies approaches and shares resources about student mental health, distributed to students online at the beginning of each school year (Education Code 49428.5). See BP 5141.5 - Mental Health
29. The standardized incident form developed by CDE to track racial discrimination, harassment, or hazing, that occurs at high school sporting games or events, including information on how to submit a completed incident form (Education Code 33353).
30. If a provisional appointment is made to fill a governing board vacancy, notice of both the actual vacancy or the filing of a deferred resignation and the provisional appointment. Post within 10 days of making the provisional appointment (Education Code 5092). See BB 9223 - Filling Vacancies.
31. The dangers associated with using synthetic drugs that are not prescribed by a physician, such as fentanyl, and of the possibility that dangerous synthetic drugs can be found in counterfeit pills (Education Code 48985.5).
32. The annual report to CDE on the use of behavioral restraints and seclusion (Education Code 49006).

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

Bus. and Prof. Code 22580-22582
Bus. and Prof. Code 22584-22585
Bus. and Prof. Code 22586-22587

Description

[Privacy rights for California minors in the digital world](#)
[Student Online Personal Information Protection Act](#)
[Early Learning Personal Information Protection Act](#)

State References

Ed. Code 32526
 Ed. Code 33353
 Ed. Code 35182.5
 Ed. Code 35258
 Ed. Code 42103
 Ed. Code 48852.6
 Ed. Code 48907
 Ed. Code 48950
 Ed. Code 48985.5
 Ed. Code 49006
 Ed. Code 49061
 Ed. Code 49073
 Ed. Code 5092
 Ed. Code 60048
 Gov. Code 11135
 Gov. Code 12950
 Gov. Code 3307.5
 Gov. Code 7920.000-7930.215
 Pen. Code 14029.5
 Pub. Res. Code 21082.1

Federal References

16 CFR 312.1-312.13
 17 USC 101-122
 17 USC 504
 20 USC 1232g
 29 USC 705
 29 USC 794
 34 CFR 104.1-104.61
 34 CFR 99.1-99.67
 42 USC 12101-12213

Management Resources References

CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 CA Civil Rights Department Publication
 Court Decision
 Court Decision
 U.S. Department of Agriculture Publication

Description

Use of learning recovery funds
 California Interscholastic Federation incident tracking
Contracts for advertising
Internet access to school accountability report cards
Budget notification
Information regarding homelessness
Exercise of free expression; time, place, and manner rules and regulations
Speech and other communication
 Synthetic drugs
 Seclusion and restraint
Definitions; directory information
Release of directory information
 Filling Vacancies
Commercial brand names, contracts or logos
Prohibition of discrimination
California Civil Rights Department posters
Publishing identity of public safety officers
California Public Records Act
Prohibition against publishing personal information of person in witness protection program
California Environmental Quality Act environmental review documents

Description

Children's Online Privacy Protection Act
 Subject matter and scope of copyright
 Penalties for copyright infringement
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Definitions; Vocational Rehabilitation Act
 Rehabilitation Act of 1973; Section 504
 Nondiscrimination on the basis of disability
 Family Educational Rights and Privacy
 Americans with Disabilities Act

Description

Family Care and Medical Leave and Pregnancy Disability Leave
California Law Prohibits Workplace Discrimination and Harassment
 Transgender Rights in the Workplace
 Your Rights and Obligations as a Pregnant Employee
 Aaris v. Las Virgenes Unified School District (1998) 64 Cal.App.4th 1112
 City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Management Resources References

U.S. DOE, Office for Civil Rights Publication

U.S. DOJ, Civil Rights Division Publication

Website

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Website

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World Wide Web Consortium Publication

Description[Dear Colleague Letter: Race and School Programming, August 2023](#)[Accessibility of State and Local Government Websites to People with Disabilities, February 2020](#)[California Interscholastic Federation](#)[Fact Sheet: New rule on the accessibility of web content and mobile apps provided by state and local governments](#)[California Cybersecurity Integration Center](#)[CSBA District and County Office of Education Legal Services](#)[Governor's Office of Planning and Research, The California Environmental Quality Act](#)[California Department of Education, Web Accessibility Standards](#)[California School Public Relations Association](#)[California Interscholastic Federation](#)[U.S. Department of Justice, Civil Rights Division, Disability Rights Section](#)[World Wide Web Consortium, Web Accessibility Initiative](#)[CSBA](#)[U.S. Department of Education, Office for Civil Rights](#)[California Civil Rights Department](#)[Web Content Accessibility Guidelines, June 2018](#)**Cross References**

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Description[Vision](#)[Nondiscrimination In District Programs And Activities](#)[District Technology Plan](#)[District Technology Plan](#)[Comprehensive Safety Plan](#)[Comprehensive Safety Plan](#)[Local Control And Accountability Plan](#)[Local Control And Accountability Plan](#)[Accountability](#)[School Accountability Report Card](#)[Communication With The Public](#)[Media Relations](#)[District-Sponsored Social Media](#)[District-Sponsored Social Media](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Uniform Complaint Procedures](#)[Advertising And Promotion](#)[Access To District Records](#)[Access To District Records](#)

Cross References	Description
3100	Budget
3100	Budget
3290	Gifts, Grants And Requests
3311	Bids
3311	Bids
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
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3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.7	Firearms On School Grounds
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3516	Emergencies And Disaster Preparedness Plan
3516.5	Emergency Schedules
3551	Food Service Operations/Cafeteria Fund
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3580	District Records
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4030	Nondiscrimination In Employment
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4040-E(1)	Employee Use Of Technology
4119.21	Professional Standards
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4131	Staff Development
4132	Publication Or Creation Of Materials
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4219.21	Professional Standards
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4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.23	Unauthorized Release Of Confidential/Privileged Information

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Description

Staff Development
Publication Or Creation Of Materials
Family Care And Medical Leave
Student And Family Privacy Rights
Student And Family Privacy Rights
Student Records
Student Records
Release Of Directory Information
Release Of Directory Information
Release Of Directory Information
Bullying
Bullying
Use Of Seclusion And Restraint
Mental Health
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Parent Involvement
Athletic Competition
Athletic Competition
Placement In Mathematics Courses
Placement In Mathematics Courses
Use Of Copyrighted Materials
Use Of Copyrighted Materials
Student Use Of Technology
Student Use Of Technology
Education For Homeless Children
Education For Homeless Children
Education For Homeless Children
Education For Homeless Children
Evaluation Of The Instructional Program
Site Selection And Development
Site Selection And Development
General Obligation Bonds
General Obligation Bonds
Public Statements
Board Member Electronic Communications
Filling Vacancies
Board Policies
Meetings And Notices
Agenda/Meeting Materials

Policy 1260: Educational Foundation

Status: ADOPTED

Original Adopted Date: 09/01/1991 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

The Governing Board recognizes the importance of community support of district programs, including voluntary financial contributions, to assist the district in achieving its goals for student learning.

The Board desires to work cooperatively with the educational foundation in determining the purposes for which funds may be used to meet the changing needs of the district and its students. The Board recognizes that an educational foundation is a separate legal entity, independent of the district. However, the foundation is encouraged to provide regular reports to the Board on the status of its work and to communicate ways that the district can help support the foundation's activities.

With the consent of the Superintendent or designee, the educational foundation, as appropriate, may use the district's name, a school's name, a school team's name, or any logo attributable to a school or the district.

Student records or other personally identifiable student information shall not be released except with parental consent or as required by law or district policy. Student directory information may be released when appropriate.

The Board supports foundation allocations that serve all district schools equitably.

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

State References	Description
11 CCR 300-312.1	Fundraising for charitable purposes
Bus. Code 17510-17510.95	Charitable solicitations
Bus. Code 25608	Alcohol on school property; use in connection with instruction
Ed. Code 38130-38138	Civic Center Act; use of school property for public purposes
Ed. Code 8820-8822	The Arts and Music in Schools—Funding Guarantee and Accountability Act
Gov. Code 12580-12599.10	Fundraisers for Charitable Purposes Act
Pen. Code 319-329	Lottery; raffle

Management Resources References

Management Resources References	Description
California Department of Education Publication	Proposition 28- AMS Financial & Audit Requirements
Court Decision	Serrano v. Priest (1976) 18 Cal. 3d 728
Education Audit Appeals Panel Publication	2023-24 Audit Guide
Website	CSBA District and County Office of Education Legal Services
Website	California Consortium of Education Foundations
Website	California Office of the Attorney General, Registry of Charities and Fundraisers
Website	Education Audit Appeals Panel
Website	California Department of Education
Website	CSBA

Cross References

Cross References	Description
0200	Goals For The School District
0410	Nondiscrimination In District Programs And Activities

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DescriptionEquityCommunication With The PublicDistrict-Sponsored Social MediaDistrict-Sponsored Social MediaSchool-Connected OrganizationsSchool-Connected OrganizationsSolicitation Of Funds From And By StudentsSolicitation Of Funds From And By StudentsRelations Between Private Industry And The SchoolsGifts, Grants And BequestsStudent WellnessRelease Of Directory InformationRelease Of Directory InformationRelease Of Directory InformationAwards For AchievementAwards For AchievementSafe Routes To School ProgramSafe Routes To School ProgramParent InvolvementParent InvolvementVisual And Performing Arts EducationExtracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular ActivitiesAthletic CompetitionAthletic CompetitionSupplementary Instructional MaterialsLibrary Media CentersBoard Representatives

Policy 2121: Superintendent's Contract

Status: ADOPTED

Original Adopted Date: 12/01/2015 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent will work together as a governance team to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the value of stability in district administration, the best use of district resources, and the Board's duty to ensure accountability to the public for the performance of the district's schools.

The contract shall be reviewed by district legal counsel and may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position, including a statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board
4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the use of a personal vehicle.

5. Vacation, illness and injury leave, and personal leaves
6. Professional development
7. General duties and responsibilities of the position
8. Criteria, process, and procedure for annual evaluation of the Superintendent
9. A statement that there shall be no automatic renewal or extension of the contract, although the Board may enter into a new contract with the Superintendent prior to the expiration of the existing contract
10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 calendar days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice
11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in the Superintendent's official capacity in the performance of employment-related duties

The Board may deliberate about terms of the contract in closed session at a regular meeting. However, discussions regarding the salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

Terms of the contract shall remain confidential until the approval process commences.

The Board shall take final action on the Superintendent's contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the

Board shall orally report a summary of the recommendation for the final action on the Superintendent's salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of the contract and other public records created or received in the process of developing the recommendation related to the Superintendent's salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

Termination of Contract

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

In such an event, the maximum cash settlement that the Superintendent may receive upon termination of the contract shall not exceed the Superintendent's monthly salary multiplied by the number of months left on the contract or the Superintendent's monthly salary multiplied by 12, whichever is less. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of office or position, the Superintendent shall reimburse the district for payments received as paid leave salary pending investigation or as cash settlement upon termination, and for any funds expended by the district in defending the Superintendent against a crime involving the Superintendent's office or position. (Government Code 53243-53243.4, 53260)

The Board shall not take action to terminate the Superintendent without cause at a special or emergency meeting of the Board. (Education Code 35150)

Additionally, the Board shall not take action to terminate the Superintendent without cause or within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled. (Education Code 35150)

However, the Board may take action to terminate the Superintendent without cause at a regular meeting during any month in which a regular meeting of the Board is not scheduled. (Education Code 35150)

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 35031	<u>Term of employment</u>
Ed. Code 35150	Termination of superintendent
Ed. Code 41325-41328	<u>Conditions of emergency apportionment</u>
Gov. Code 3511.1-3511.2	<u>Local agency executives</u>
Gov. Code 53243-53243.4	<u>Abuse of office</u>
Gov. Code 53260-53264	Employment contracts
Gov. Code 54953	<u>Oral summary of recommended salary and benefits of superintendent</u>
Gov. Code 54954	<u>Time and place of regular meetings</u>
Gov. Code 54956	Special meetings
Gov. Code 54957	<u>Closed session personnel matters</u>

State References

Gov. Code 54957.1
 Gov. Code 54957.6
 Gov. Code 7920.000-7930.215

Description

Closed session; public report of action taken
Closed sessions regarding employee matters
California Public Records Act

Federal References

26 CFR 1.105-11
 26 USC 105
 42 USC 300gg-16

Description

Self-insured medical reimbursement plan
 Self-insured medical reimbursement plan; definition of highly compensated individual
 Group health plan; nondiscrimination in favor of highly compensated individuals

Management Resources References

Attorney General Opinion
 Attorney General Publication
 Court Decision
 CSBA Publication
 Website
 Website
 Website
 Website

Description

57 Ops. Cal. Atty. Gen. 209 (1974)
 The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
 San Diego Union v. City Council (1983) 146 Cal.App.3d 947
 Superintendent Contract Template
CSBA District and County Office of Education Legal Services
California Office of the Attorney General
Association of California School Administrators
 CSBA

Cross References

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Description

Goals For The School District
Local Control And Accountability Plan
Local Control And Accountability Plan
Access To District Records
Access To District Records
Superintendent Responsibilities And Duties
Superintendent Recruitment And Selection
Evaluation Of The Superintendent
Administrative Discretion Regarding Board Policy
Contracts
Travel Expenses
District Records
District Records
Employee Use Of Technology
Employee Use Of Technology
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Employee Notifications
Termination Agreements
Leaves
Leaves

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DescriptionPersonal Illness/Injury LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveEmployee NotificationsEmployee NotificationsTermination AgreementsHealth And Welfare BenefitsHealth And Welfare BenefitsLeavesLeavesPersonal LeavesMilitary LeaveFamily Care And Medical LeaveContractsEmployee NotificationsEmployee NotificationsTermination AgreementsHealth And Welfare BenefitsHealth And Welfare BenefitsLeavesLeavesPersonal Illness/Injury LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveRole Of The BoardDisclosure Of Confidential/Privileged InformationAttorneyMeetings And NoticesClosed SessionClosed SessionClosed SessionActions By The BoardActions By The Board

Policy 4112.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
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 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees

State References**Description**

Ed. Code 44948.5	<u>Nonreelection procedures; districts under 250 ADA</u>
Ed. Code 44949	<u>Dismissal of probationary employees</u>
Ed. Code 44951	<u>Continuation in position unless notified; administrative or supervisory personnel</u>
Ed. Code 44954	<u>Nonreelection of temporary employees</u>
Ed. Code 44955	<u>Reduction in number of permanent employees</u>
Ed. Code 44955.5	<u>Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</u>
Ed. Code 45113	<u>Notification of charges; classified employees</u>
Ed. Code 45117	<u>Notice of layoff; classified employees</u>
Ed. Code 45169	<u>Employee salary data; classified employees</u>
Ed. Code 45192	<u>Industrial accident and illness leave for classified employees</u>
Ed. Code 45195	<u>Additional leave</u>
Ed. Code 46162	<u>Alternative schedule for junior high and high school; public hearing with notice</u>
Ed. Code 48201	<u>Transfer student's record for acts that resulted in suspension or expulsion</u>
Ed. Code 48851.3	<u>Education of students in foster care and students who are homeless</u>
Ed. Code 49013	<u>Complaints regarding student fees</u>
Ed. Code 49079	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
Ed. Code 49414	<u>Epinephrine auto-injectors</u>
Ed. Code 49414.3	<u>Administration of opioid antagonist</u>
Gov. Code 1126	<u>Incompatible activities of employees</u>
Gov. Code 12950	<u>Sexual harassment</u>
Gov. Code 21029	<u>Retirement credit for period of military service</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
Gov. Code 54963	<u>Unauthorized disclosure of confidential information</u>
Gov. Code 8355	<u>Certification of drug-free workplace, including notification</u>
H&S Code 104420	<u>Tobacco-free schools</u>
H&S Code 120875	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
H&S Code 120880	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>
H&S Code 1797.196	<u>Automated external defibrillators; notification of use and locations</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 2800.2	<u>Notification of availability of continuation health coverage</u>
Lab. Code 3550-3553	<u>Notifications: Workers' compensation benefits</u>
Lab. Code 5401	<u>Workers' compensation; claim form and notice of potential eligibility</u>
Pen. Code 11165.7	<u>Child Abuse and Neglect Reporting Act; notification requirement</u>
Pen. Code 11166.5	<u>Employment; statement of knowledge of duty to report child abuse or neglect</u>
Unemp. Ins. Code 2613	<u>Disability insurance; notice of rights and benefits</u>
W&I Code 827	<u>Limited exception to juvenile court record</u>

Federal References

20 USC 2354
 29 CFR 825.300
 34 CFR 100
 34 CFR 104.8
 34 CFR 106.9
 34 CFR 84.205-84.210
 38 USC 4334
 40 CFR 763.84
 40 CFR 763.93
 41 USC 8101-8106
 42 USC 11431-11435
 49 CFR 382.113
 49 CFR 382.303
 49 CFR 382.601

Description

Local application for career and technical education programs
 Family and Medical Leave Act; notice requirement
 Nondiscrimination under programs receiving federal assistance
 Nondiscrimination
 Severability
 Drug-free workplace statement
 Uniformed Services Employment and Reemployment Rights Act; notice requirement
 Asbestos inspections, response actions and post-response actions
 Asbestos management plans
 Drug-Free Workplace Act
 McKinney-Vento Homeless Assistance Act
 Controlled substance and alcohol use and testing notifications
 Post-accident information, procedures, and instructions
 Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

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[Hazardous Substances](#)
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[District Police/Security Department](#)
[School Bus Drivers](#)
[District Records](#)
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[Drug And Alcohol-Free Workplace](#)
[Nondiscrimination In Employment](#)

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Description

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Drug And Alcohol Testing For School Bus Drivers
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Criminal Record Check
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Evaluation/Supervision
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Probationary/Permanent Status
Postretirement Employment
Personnel Reduction
Employment Status Reports
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Sexual Harassment
Sexual Harassment
Universal Precautions
Universal Precautions
Temporary/Substitute Personnel
Temporary/Substitute Personnel
Nonschool Employment
Health And Welfare Benefits
Health And Welfare Benefits
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Employee Security
Employee Security
Personal Illness/Injury Leave
Industrial Accident/Illness Leave
Personal Leaves
Military Leave
Family Care And Medical Leave
Appointment And Conditions Of Employment
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Criminal Record Check
Criminal Record Check

Cross References

Description

4212.6	<u>Personnel Files</u>
4216	<u>Probationary/Permanent Status</u>
4217.3	<u>Layoff/Rehire</u>
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4219.11	<u>Sexual Harassment</u>
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4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4257	<u>Employee Safety</u>
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4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
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4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4336	<u>Nonschool Employment</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4357.1	<u>Work-Related Injuries</u>
4358	<u>Employee Security</u>

Cross References

4358

4361.1

4361.11

4361.2

4361.5

4361.8

5141.21

5141.21

5141.4

5141.4

5145.3

5145.3

6117

6173

6173

6173-E(1)

6173-E(2)

6178

6178

9310

9321

9321-E(1)

9321-E(2)

DescriptionEmployee SecurityPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsChild Abuse Prevention And ReportingChild Abuse Prevention And ReportingNondiscrimination/HarassmentNondiscrimination/HarassmentYear-Round SchedulesEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenCareer Technical EducationCareer Technical EducationBoard PoliciesClosed SessionClosed SessionClosed Session

Exhibit 4112.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and newcomer students.

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2
Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses
Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee

receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon

employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed
Education or Other Legal Code: Labor Code 230
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
 Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
 Board Policy/Administrative Regulation #: AR 6173
 Subject: Duties of district liaison for homeless students and availability of training and services

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	<u>District records; breach of security</u>
Ed. Code 17612	<u>Notification of pesticide use</u>
Ed. Code 22455.5	<u>STRS information to potential members</u>
Ed. Code 22461	<u>Postretirement compensation limitation</u>
Ed. Code 231.5	<u>Sexual harassment policy</u>
Ed. Code 35031	<u>Term of employment</u>
Ed. Code 35171	<u>Availability of rules and regulations for evaluation of performance</u>
Ed. Code 37616	<u>Consultation regarding year-round schedule</u>
Ed. Code 44663-44664	<u>Evaluation of certificated employees</u>
Ed. Code 44842	<u>Reemployment notices; certificated employees</u>
Ed. Code 44896	<u>Transfer of administrator or supervisor to teaching position</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44929.21	<u>Notice of reelection decision; districts with 250 ADA or more</u>
Ed. Code 44929.23	<u>Districts with less than 250 ADA</u>
Ed. Code 44934	<u>Notice of disciplinary action for cause</u>
Ed. Code 44938	<u>Notice of unprofessional conduct and opportunity to correct</u>
Ed. Code 44940.5-44941	<u>Notification of suspension and intent to dismiss</u>
Ed. Code 44948.3-44948.5	<u>Dismissal of probationary employees</u>
Ed. Code 44948.5	<u>Nonreelection procedures; districts under 250 ADA</u>
Ed. Code 44949	<u>Dismissal of probationary employees</u>
Ed. Code 44951	<u>Continuation in position unless notified; administrative or supervisory personnel</u>
Ed. Code 44954	<u>Nonreelection of temporary employees</u>
Ed. Code 44955	<u>Reduction in number of permanent employees</u>

State References

Ed. Code 44955.5
 Ed. Code 45113
 Ed. Code 45117
 Ed. Code 45169
 Ed. Code 45192
 Ed. Code 45195
 Ed. Code 46162
 Ed. Code 48201
 Ed. Code 48851.3
 Ed. Code 49013
 Ed. Code 49079
 Ed. Code 49414
 Ed. Code 49414.3
 Gov. Code 1126
 Gov. Code 12950
 Gov. Code 21029
 Gov. Code 54957
 Gov. Code 54963
 Gov. Code 8355
 H&S Code 104420
 H&S Code 120875
 H&S Code 120880
 H&S Code 1797.196
 Lab. Code 230
 Lab. Code 2800.2
 Lab. Code 3550-3553
 Lab. Code 5401
 Pen. Code 11165.7
 Pen. Code 11166.5
 Unemp. Ins. Code 2613
 W&I Code 827

Federal References

20 USC 2354
 29 CFR 825.300
 34 CFR 100
 34 CFR 104.8

Description

Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Notification of charges; classified employees
Notice of layoff; classified employees
Employee salary data; classified employees
Industrial accident and illness leave for classified employees
Additional leave
Alternative schedule for junior high and high school; public hearing with notice
Transfer student's record for acts that resulted in suspension or expulsion
Education of students in foster care and students who are homeless
Complaints regarding student fees
Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Epinephrine auto-injectors
Administration of opioid antagonist
Incompatible activities of employees
Sexual harassment
Retirement credit for period of military service
Complaints against employees; right to open session
Unauthorized disclosure of confidential information
Certification of drug-free workplace, including notification
Tobacco-free schools
Information on AIDS, AIDS-related conditions, and hepatitis B
Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
Automated external defibrillators; notification of use and locations
Accommodations and leave for victims of domestic violence
Notification of availability of continuation health coverage
Notifications: Workers' compensation benefits
Workers' compensation; claim form and notice of potential eligibility
Child Abuse and Neglect Reporting Act; notification requirement
Employment; statement of knowledge of duty to report child abuse or neglect
Disability insurance; notice of rights and benefits
Limited exception to juvenile court record

Description

Local application for career and technical education programs
 Family and Medical Leave Act; notice requirement
 Nondiscrimination under programs receiving federal assistance
 Nondiscrimination

Federal References

34 CFR 106.9
 34 CFR 84.205-84.210
 38 USC 4334
 40 CFR 763.84
 40 CFR 763.93
 41 USC 8101-8106
 42 USC 11431-11435
 49 CFR 382.113
 49 CFR 382.303
 49 CFR 382.601

Description

Severability
 Drug-free workplace statement
 Uniformed Services Employment and Reemployment Rights Act; notice requirement
 Asbestos inspections, response actions and post-response actions
 Asbestos management plans
 Drug-Free Workplace Act
 McKinney-Vento Homeless Assistance Act
 Controlled substance and alcohol use and testing notifications
 Post-accident information, procedures, and instructions
 Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

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 1312.3-E(2)
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[Superintendent's Contract](#)
[Fees And Charges](#)
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[Tobacco-Free Schools](#)
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[Integrated Pest Management](#)
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[Drug And Alcohol-Free Workplace](#)
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[Drug And Alcohol Testing For School Bus Drivers](#)
[Drug And Alcohol Testing For School Bus Drivers](#)

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4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u>
4115	<u>Evaluation/Supervision</u>
4115	<u>Evaluation/Supervision</u>
4116	<u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u>
4117.14	<u>Postretirement Employment</u>
4117.3	<u>Personnel Reduction</u>
4117.7	<u>Employment Status Reports</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
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4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
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4121	<u>Temporary/Substitute Personnel</u>
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4154	<u>Health And Welfare Benefits</u>
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4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
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4212.6	<u>Personnel Files</u>
4216	<u>Probationary/Permanent Status</u>
4217.3	<u>Layoff/Rehire</u>
4219.11	<u>Sexual Harassment</u>

Cross References**Description**

4219.11	<u>Sexual Harassment</u>
4219.43	<u>Universal Precautions</u>
4219.43	<u>Universal Precautions</u>
4236	<u>Nonschool Employment</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
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4261.8	<u>Family Care And Medical Leave</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.5	<u>Criminal Record Check</u>
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4312.6	<u>Personnel Files</u>
4315	<u>Evaluation/Supervision</u>
4317.14	<u>Postretirement Employment</u>
4317.7	<u>Employment Status Reports</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4336	<u>Nonschool Employment</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4357.1	<u>Work-Related Injuries</u>
4358	<u>Employee Security</u>
4358	<u>Employee Security</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.2	<u>Personal Leaves</u>

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DescriptionMilitary LeaveFamily Care And Medical LeaveAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsChild Abuse Prevention And ReportingChild Abuse Prevention And ReportingNondiscrimination/HarassmentNondiscrimination/HarassmentYear-Round SchedulesEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenCareer Technical EducationCareer Technical EducationBoard PoliciesClosed SessionClosed SessionClosed Session

Policy 4121: Temporary/Substitute Personnel

Status: ADOPTED

Original Adopted Date: 07/01/2012 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board recognizes that substitute and temporary personnel perform an essential role in promoting student achievement and desires to employ highly qualified, appropriately credentialed employees to fill such positions.

Hiring

The Superintendent or designee shall recommend candidates for substitute or temporary positions for Board approval, and shall ensure that all substitute and temporary employees are assigned in accordance with law and the authorizations specified in their credential.

Substitute personnel may be employed on an on-call, day-to-day basis.

In addition, after September 1 of any school year, the Board may employ substitute personnel for the remainder of the school year in positions for which no regular employee is available. The district shall first demonstrate to the Commission on Teacher Credentialing the inability to acquire the services of a qualified regular employee. (Education Code 44917)

Permanent or probationary certificated employees who were laid off pursuant to Education Code 44955 and who have a preferred right of reappointment shall be given priority for substitute service in the order of their original employment. (Education Code 44956, 44957)

Classification

At the time of initial employment and each July thereafter, the Board shall classify substitute and temporary employees as such. (Education Code 44915, 44916)

The Board may classify as substitute personnel a teacher hired to fill the position of a regularly employed person who is absent from service. (Education Code 44917)

To address the need for additional certificated employees when regular district employees are absent due to leaves or long-term illness, the Board may classify a teacher who is employed for at least one semester and up to one complete school year as a temporary employee. Any person whose service begins in the second semester and before March 15 may be classified as a temporary employee, even if employed for less than a semester. The Board shall determine the number of persons who shall be so employed, which shall not exceed the identified need based on the absence of regular employees. (Education Code 44920)

Additionally, the Board shall classify as temporary employees those certificated persons, other than substitute employees, who are employed to:

1. Serve from day to day during the first three months of any school term to teach temporary classes which shall not exist after that time, or perform any other duties which do not last longer than the first three months of any school term (Education Code 44919)
2. Teach in special day and evening classes for adults or in schools of migratory population for not more than four months of any school term (Education Code 44919)
3. Serve in a limited assignment supervising student athletic activities provided such assignments have first been made available to teachers presently employed in the district (Education Code 44919)
4. Serve in a position for a period not to exceed 20 working days, in order to prevent the stoppage of district business during an emergency when persons are not immediately available for probationary classification (Education Code 44919)

5. Serve only for the first semester, because the district expects a reduction in student enrollment during the second semester due to mid-year graduations (Education Code 44921)

For purposes of classifying employees pursuant to Item #1 or #2 above, the school year shall not be divided into more than two school terms. (Education Code 44919)

Any employee hired to provide services in a categorically funded program or project may be employed for a period less than a full school year. An employee may be classified as a temporary employee if the period of employment will end at the expiration of that program or project. (Education Code 44909)

Salary and Benefits

The Board shall adopt and make public a salary schedule setting the daily or pay period rate(s) for substitute employees for all categories or classes of certificated employees of the district. (Education Code 44977, 45030)

OPTION 1: (Temporary employees participate in district benefits)

Temporary employees shall participate in the health and welfare plans or other fringe benefits of the district.

OPTION 1 ENDS HERE

OPTION 2: (Temporary employees do not participate in district benefits)

Temporary employees shall not participate in the health and welfare plans or other fringe benefits of the district.

OPTION 2 ENDS HERE

Paid Sick Leave

OPTION 1: (Paid leave accrual based on one hour for every 30 hours worked)

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 80 hours or ten days. However, the district may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment. (Labor Code 246)

OPTION 1 ENDS HERE

OPTION 2: (Paid leave accrual method that provides for a regular accrual basis)

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of employment or each calendar year or 12-month period, and at least 40 hours of accrued sick leave by the 200th calendar day of employment, each calendar year, or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 80 hours or ten days. However, the district may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment. (Labor Code 246)

OPTION 2 ENDS HERE

OPTION 3: (Paid leave that credits employees with sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year)

Except for a retired annuitant who is not reinstated to the retirement system, any temporary or substitute employee who works for 30 or more days within a year of their employment shall be credited with 40 hours or five days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

OPTION 3 ENDS HERE

Any temporary or substitute employee may begin to use accrued paid sick days on the 90th day of employment, after which the employee may use the sick days as they are accrued. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

No employee shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249. The Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights, keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249 and in Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave.

Release from Employment/Dismissal

The Board may dismiss a substitute employee at any time at its discretion. (Education Code 44953)

The Board may release a temporary employee at its discretion if the employee has served less than 75 percent of the number of days the regular schools of the district are maintained during one school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as the employee is notified, before the last day of June, of the district's decision not to reelect the temporary employee for the following school year. (Education Code 37200, 44954)

Reemployment as a Probationary Employee

Reemployment provisions contained in Education Code 44918 do not apply to districts with average daily attendance of over 250,000; such districts should modify the following section accordingly.

Unless released from employment pursuant to Education Code 44954, any person employed for one complete school year as a temporary employee shall, if reemployed for the following school year in a vacant position requiring certification qualifications, be classified as a probationary employee. With the exception of on-call, day-to-day substitutes, if a temporary or substitute employee performs the duties normally required of certificated employees for at least 75 percent of the number of days the regular schools of the district were maintained in that school year and is then employed as a probationary employee for the following school year, the employee's previous employment as a temporary or substitute employee shall be credited as one year's employment as a probationary employee for purposes of acquiring permanent status. (Education Code 44917, 44918, 44920)

Vacant position means a position in which the employee is qualified to serve and which is not filled by a permanent or probationary employee. It shall not include a position which would be filled by a permanent or probationary employee except for the fact that such employee is on leave. (Education Code 44920, 44921)

A temporary employee hired pursuant to Item #1 or #2 in the section "Classification" above shall be classified as a probationary employee if the duties continue beyond the time limits of the assignment. (Education Code 44919)

A person employed pursuant to Item #5 in the section "Classification" above who is then continued in employment beyond the first semester shall be classified as a probationary employee for the entire school year and shall be reemployed to fill any vacant position in the district for which the employee is certified. Preference for available positions shall be determined by the Board as prescribed by Education Code 44845 and 44846. (Education Code 44921)

With the exception of on-call, day-to-day substitutes, any temporary or substitute employee who was released pursuant to Education Code 44954 but who has nevertheless served in a certificated position in the district for at least 75 percent of each of two consecutive school years shall receive first priority if the district fills a vacant position for the subsequent school year at the grade level at which the employee served during either year. In the case of a departmentalized program, the employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

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 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic team coach
5 CCR 80025-80025.5	Emergency substitute teaching permits
Ed. Code 22455.5	<u>STRS information to potential members</u>
Ed. Code 22515	<u>Irrevocable election to join retirement plan</u>
Ed. Code 37200	<u>School calendar</u>
Ed. Code 44252.5	<u>State basic skills assessment required for certificated personnel</u>
Ed. Code 44300	<u>Emergency permits</u>
Ed. Code 44830	<u>Employment of certificated persons</u>
Ed. Code 44839.5	<u>Requirements for employment of retirant</u>
Ed. Code 44845	<u>Date of employment</u>
Ed. Code 44846	<u>Criteria for reemployment preferences</u>
Ed. Code 44909	<u>Employees providing services through categorically funded programs</u>
Ed. Code 44914	<u>Substitute and probationary employment computation for classification as permanent employee</u>
Ed. Code 44915	<u>Classification of probationary employees</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44917	<u>Classification of substitute employees</u>
Ed. Code 44918	<u>Substitute or temporary employee deemed probationary employee; reemployment rights</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 44920	<u>Employment of certain temporary employees; classifications</u>
Ed. Code 44921	<u>Employment of temporary employees; reemployment rights (unified and high school districts)</u>
Ed. Code 44953	<u>Dismissal of substitute employees</u>
Ed. Code 44954	<u>Nonreelection of temporary employees</u>
Ed. Code 44955	<u>Reduction in number of permanent employees</u>
Ed. Code 44956	<u>Rights of laid-off permanent employees to substitute positions</u>
Ed. Code 44957	<u>Rights of laid-off probationary employees to substitute positions</u>
Ed. Code 44977	<u>Salary schedule for substitute employees</u>
Ed. Code 45030	<u>Substitutes</u>
Ed. Code 45041	<u>Computation of salary</u>
Ed. Code 45042	<u>Alternative method of computation for less than one school year</u>

State References

Ed. Code 45043	Compensation for employment beginning in the second semester
Ed. Code 56060-56063	Substitute teachers in special education
Gov. Code 3540.1	Public employment; definitions
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014

Description**Management Resources References**

Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	CSBA

Description**Cross References**

0500	Accountability
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment
4112.1	Contracts
4112.2	Certification
4112.2	Certification
4112.3	Oath Or Affirmation
4112.3-E(1)	Oath Or Affirmation
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications

Description

Cross References**Description**

4113	Assignment
4113	Assignment
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.3	Oath Or Affirmation
4212.3-E(1)	Oath Or Affirmation
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4217.3	Layoff/Rehire
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.3	Oath Or Affirmation
4312.3-E(1)	Oath Or Affirmation
4312.4	Health Examinations

Cross References

4312.5

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4312.9

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6200

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DescriptionCriminal Record CheckCriminal Record CheckEmployee NotificationsEmployee NotificationsPostretirement EmploymentTemporary Athletic Team CoachesTemporary Athletic Team CoachesBargaining UnitsEmployee CompensationHealth And Welfare BenefitsHealth And Welfare BenefitsPersonal Illness/Injury LeavePersonal LeavesSuicide PreventionSuicide PreventionMigrant Education ProgramMigrant Education ProgramAdult EducationAdult Education

Regulation 4121: Temporary/Substitute Personnel

Status: ADOPTED

Original Adopted Date: 06/01/1997 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Qualifications

Any candidate recommended by the Superintendent or designee for a substitute or temporary position requiring certification qualifications shall possess the appropriate credential or permit authorizing employment in such position and shall meet all other requirements of law for certificated positions. (Education Code 44830)

The district shall not initially hire a certificated person on a substitute or temporary basis in a capacity designated in the person's credential unless the person has demonstrated basic skills proficiency in reading, writing, and mathematics pursuant to Education Code 44252.5, or is exempted by law. (Education Code 44830)

A noncredentialed person shall not substitute for any special education certificated position. The Superintendent or designee shall recruit and maintain lists of appropriately credentialed substitute teachers for special education positions. The Superintendent or designee shall contact institutes of higher education with approved special education programs for possible recommendations of appropriately credentialed special education personnel. (Education Code 56060, 56063)

Notifications

Before starting work, each new temporary employee shall receive a written statement indicating employment status and salary. This statement shall clearly indicate the temporary nature of the employment and the length of time for which the person is being employed. (Education Code 44916)

The Superintendent or designee shall notify all substitute and part-time certificated employees, within 30 days of their hire, of their right to elect membership in a defined benefit program under a qualified retirement plan. The employee shall sign a form provided by the system to acknowledge receipt of this notice and to indicate whether the employee elects or declines membership. Election of membership shall be irrevocable for all future employment to perform creditable service. (Education Code 22455.5, 22515)

Assignments

A person who holds an emergency 30-day substitute permit, emergency career substitute permit, emergency substitute permit for prospective teachers, or emergency substitute permit for career technical education shall be restricted in the number of days the employee may substitute for any one teacher in accordance with 5 CCR 80025-80025.5.

In placing substitute teachers in special education classrooms, the district shall give first priority to substitute teachers with the appropriate special education credential(s), second priority to substitute teachers with any other special education credential, and third priority to substitute teachers with a regular teaching credential. An inappropriately credentialed substitute teacher shall not serve as a substitute for a special education teacher for a period of more than 20 cumulative school days for each special education teacher absent during each school year. The district may apply to the Superintendent of Public Instruction for an extension of 20 school days, or for a longer period in extraordinary circumstances. (Education Code 56060, 56061, 56062)

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State References

Description

5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic team coach
5 CCR 80025-80025.5	Emergency substitute teaching permits

State References

Ed. Code 22455.5

Ed. Code 22515

Ed. Code 37200

Ed. Code 44252.5

Ed. Code 44300

Ed. Code 44830

Ed. Code 44839.5

Ed. Code 44845

Ed. Code 44846

Ed. Code 44909

Ed. Code 44914

Ed. Code 44915

Ed. Code 44916

Ed. Code 44917

Ed. Code 44918

Ed. Code 44919

Ed. Code 44920

Ed. Code 44921

Ed. Code 44953

Ed. Code 44954

Ed. Code 44955

Ed. Code 44956

Ed. Code 44957

Ed. Code 44977

Ed. Code 45030

Ed. Code 45041

Ed. Code 45042

Ed. Code 45043

Ed. Code 56060-56063

Gov. Code 3540.1

Lab. Code 220

Lab. Code 230

Lab. Code 230.1

Lab. Code 233

Lab. Code 234

Lab. Code 245-249

DescriptionSTRS information to potential membersIrrevocable election to join retirement planSchool calendarState basic skills assessment required for certificated personnelEmergency permitsEmployment of certificated personsRequirements for employment of retirantDate of employmentCriteria for reemployment preferencesEmployees providing services through categorically funded programsSubstitute and probationary employment computation for classification as permanent employeeClassification of probationary employeesWritten statement of employment statusClassification of substitute employeesSubstitute or temporary employee deemed probationary employee; reemployment rightsClassification of temporary employees; classificationsEmployment of certain temporary employees; classificationsEmployment of temporary employees; reemployment rights (unified and high school districts)Dismissal of substitute employeesNonreelection of temporary employeesReduction in number of permanent employeesRights of laid-off permanent employees to substitute positionsRights of laid-off probationary employees to substitute positionsSalary schedule for substitute employeesSubstitutesComputation of salaryAlternative method of computation for less than one school yearCompensation for employment beginning in the second semesterSubstitute teachers in special educationPublic employment; definitionsSections inapplicable to public employeesAccommodations and leave for victims of domestic violenceEmployers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time offLeave to attend to family illnessAbsence control policyHealthy Workplaces, Healthy Families Act of 2014

Management Resources References

Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	CSBA

Description**Cross References**

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Description

Health And Welfare Benefits
Health And Welfare Benefits
Personal Illness/Injury Leave
Personal Leaves
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Legal Status Requirement
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Oath Or Affirmation
Health Examinations
Criminal Record Check
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Health And Welfare Benefits
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Policy 4127: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board acknowledges that well-trained coaches are vital to the success of the experience of students in sports and interscholastic athletic activities, and therefore desires to employ highly qualified coaches for the district's interscholastic athletic activities in order to enhance the knowledge, skills, motivation, and safety of participating students.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. Interscholastic athletic activities include any activities in which student teams participate in interscholastic competition. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic activity team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to applicable law, Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic activity shall, prior to beginning the individual's duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6, 35179.1, and 49032, and by district policy.

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

State References

5 CCR 5531

5 CCR 5590-5596

Ed. Code 33479-33479.9

Ed. Code 35179-35179.8

Ed. Code 44010

Ed. Code 44011

Description

Supervision of extracurricular activities of students

Duties of temporary athletic team coaches

[The Eric Parades Sudden Cardiac Arrest Prevention Act](#)

[Interscholastic athletics](#)

[Sex offense; definitions](#)

[Controlled substance offense](#)

State References

Ed. Code 44332-44332.5
 Ed. Code 44424
 Ed. Code 44808
 Ed. Code 44916
 Ed. Code 44919
 Ed. Code 45125.01
 Ed. Code 45347
 Ed. Code 45349
 Ed. Code 49024
 Ed. Code 49030-49034
 Ed. Code 49406
 H&S Code 124238-124238.5

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[Temporary certificates](#)
[Conviction of a crime](#)
[Liability when students are not on school property](#)
[Written statement of employment status](#)
[Classification of temporary employees; classifications](#)
[Interagency agreements for criminal record information](#)
[Instructional aides subject to requirements for classified staff](#)
[Use of volunteers to supervise or instruct students](#)
[Activity Supervisor Clearance Certificate](#)
[Performance enhancing substances](#)
[TB risk assessment](#)
[Nevaeh Youth Sports Safety Act](#)

Management Resources References

California Interscholastic Federation Publication
 California Interscholastic Federation Publication
 Commission on Teacher Credentialing Publication
 Court Decision
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 CSBA Publication
 CSBA Publication
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Description

[Pursuing Victory with Honor, 1999](#)
[California Interscholastic Federation Constitution and Bylaws](#)
[Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate \(ASCC\), Coded Correspondence 10-11, July 20, 2010](#)
[CTA v. Rialto Unified School District \(1997\) 14 Cal. 4th 627](#)
[Kavanaugh v. West Sonoma Union High School District \(2003\) 29 Cal.4th 911](#)
[Neily v. Manhattan Beach Unified School District \(2011\) 192 Cal.App.4th 187](#)
[Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016](#)
[Preventing Catastrophic Heat Illness, Governance Brief, July 2018](#)
[Positive Coaching Alliance](#)
[CSBA District and County Office of Education Legal Services](#)
[National Athletic Trainers' Association](#)
[California Interscholastic Federation](#)
[California Athletic Trainers' Association](#)
[Commission on Teacher Credentialing](#)
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[California Department of Education](#)

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[School-Connected Organizations](#)
[Volunteer Assistance](#)
[Volunteer Assistance](#)
[Health Examinations](#)
[Criminal Record Check](#)

Cross References

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4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
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4212.4	Health Examinations
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4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4312.4	Health Examinations
4312.5	Criminal Record Check
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5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
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5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
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6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
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6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

Regulation 4127: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic

program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

Each employee or volunteer high school athletic team coach shall complete, at the individual's expense, a coaching education program that meets the standards developed by CIF and includes, but is not limited to, training in regard to sport psychology, sport pedagogy, sport physiology, sport management, statewide and school regulations, CPR, including certification, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. A high school coach who has completed the education program in another California school district shall be deemed to have met the requirement for this district. An individual who has not completed the education program may be assigned as a coach for no longer than one season of interscholastic competition. (Education Code 35179.1, 49032)

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics

11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

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

State References	Description
5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	<u>The Eric Parades Sudden Cardiac Arrest Prevention Act</u>
Ed. Code 35179-35179.8	<u>Interscholastic athletics</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44332-44332.5	<u>Temporary certificates</u>
Ed. Code 44424	<u>Conviction of a crime</u>
Ed. Code 44808	<u>Liability when students are not on school property</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45347	<u>Instructional aides subject to requirements for classified staff</u>
Ed. Code 45349	<u>Use of volunteers to supervise or instruct students</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Ed. Code 49030-49034	<u>Performance enhancing substances</u>
Ed. Code 49406	<u>TB risk assessment</u>
H&S Code 124238-124238.5	<u>Nevaeh Youth Sports Safety Act</u>

Management Resources References

Management Resources References	Description
California Interscholastic Federation Publication	<u>Pursuing Victory with Honor, 1999</u>
California Interscholastic Federation Publication	<u>California Interscholastic Federation Constitution and Bylaws</u>
Commission on Teacher Credentialing Publication	<u>Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), Coded Correspondence 10-11, July 20, 2010</u>
Court Decision	<u>CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627</u>
Court Decision	<u>Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911</u>
Court Decision	<u>Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187</u>
CSBA Publication	<u>Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016</u>
CSBA Publication	<u>Preventing Catastrophic Heat Illness, Governance Brief, July 2018</u>
Website	<u>Positive Coaching Alliance</u>

Management Resources References

Website	CSBA District and County Office of Education Legal Services
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

	Description
1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
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4112.4	Health Examinations
4112.5	Criminal Record Check
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4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
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5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
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5141.4	Child Abuse Prevention And Reporting
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5141.52	Suicide Prevention
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6142.7	Physical Education And Activity
6142.7	Physical Education And Activity

Cross References

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6145.2

6145.2

DescriptionExtracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular ActivitiesAthletic CompetitionAthletic Competition

Policy 4161: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave
11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
12. Bereavement

Long-Term Leaves

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that employee held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board

policy, administrative regulation, or law.

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment

Federal References

	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

Cross References**Description**

4131	<u>Staff Development</u>
4141	<u>Collective Bargaining Agreement</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4159	<u>Employee Assistance Programs</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
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4161.9	<u>Catastrophic Leave Program</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
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4261.9	<u>Catastrophic Leave Program</u>
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4312.1	<u>Contracts</u>
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4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4331	<u>Staff Development</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4359	<u>Employee Assistance Programs</u>
4361.1	<u>Personal Illness/Injury Leave</u>

Cross References

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4361.9

DescriptionIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4161: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

Failure to Return to Service After Leave

The district may terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of the intention to remain in service with the district in accordance with Education Code 44842
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Board

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

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State References	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

State References

Lab. Code 230.4
Lab. Code 230.8
Lab. Code 233
M&V Code 395-395.9
M&V Code 395.10

Description

Leave for volunteer firefighters
Time off to visit child's school
Leave to attend to family illness
Military leave
Leave when spouse on leave from military deployment

Federal References

29 USC 2601-2654
38 USC 4301-4334

Description

Family Care and Medical Leave Act
Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services

Cross References

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Description

Superintendent's Contract
Contracts
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Staff Development
Collective Bargaining Agreement
Health And Welfare Benefits
Health And Welfare Benefits
Employee Assistance Programs
Personal Illness/Injury Leave
Industrial Accident/Illness Leave
Personal Leaves
Professional Leaves
Military Leave
Family Care And Medical Leave
Catastrophic Leave Program
Catastrophic Leave Program
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Staff Development
Collective Bargaining Agreement
Health And Welfare Benefits
Health And Welfare Benefits

Cross References

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DescriptionEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesProfessional LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave ProgramAdministrative And Supervisory PersonnelAdministrative And Supervisory PersonnelContractsDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversStaff DevelopmentHealth And Welfare BenefitsHealth And Welfare BenefitsEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4161.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 03/01/2017 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The following administrative regulation applies to classified employees, including classified management. For certificated employees, including certificated management, see Administrative Regulation 4161.1/4361.1 - Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

Use of Sick Leave

A certificated employee may use sick leave for absences as authorized by law and/or collective bargaining agreement, including, but not limited to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 44965, 44978; Government Code 12945.6)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)
9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves (Education Code 44985; Government Code 12945.7)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination, in accordance with Education Code 44042.5.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

An employee shall notify the Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

OPTION 1: (Differential pay: regular salary minus cost of substitute)

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the

employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

OPTION 1 ENDS HERE

OPTION 2: (50 percent of employee's regular salary)

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

OPTION 2 ENDS HERE

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

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

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further

leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

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

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 40 hours or five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

State References

5 CCR 5601
Ed. Code 44042.5
Ed. Code 44964
Ed. Code 44965
Ed. Code 44976
Ed. Code 44977
Ed. Code 44977.5

Description

Transfer of accumulated sick leave
Wage overpayment
Power to grant leaves of absence for accident, illness, or quarantine
Granting of leaves of absence for pregnancy and childbirth
Transfer of leave rights when school is transferred to another district
Salary schedule for substitute employees
Differential pay during parental leave up to 12 weeks after sick leave is exhausted

State References	Description
Ed. Code 44978	<u>Sick leave; certificated employees</u>
Ed. Code 44978.1	<u>Inability to return to duty; placement in another position or on reemployment list</u>
Ed. Code 44978.2	<u>Leave for military service-connected disability</u>
Ed. Code 44979	<u>Transfer of accumulated sick leave to another district</u>
Ed. Code 44980	<u>Transfer of accumulated sick leave to a county office of education</u>
Ed. Code 44981	<u>Leave of absence for personal necessity</u>
Ed. Code 44983	<u>Compensation during leave; certificated employees</u>
Ed. Code 44984	<u>Required rules for industrial accident and illness leave</u>
Ed. Code 44985	<u>Leave of absence due to death in immediate family; certificated</u>
Ed. Code 44986	<u>Leave of absence; state disability benefits</u>
Ed. Code 45194	<u>Bereavement leave of absence; classified</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.6	<u>Reproductive loss leave</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Lab. Code 220	<u>Sections inapplicable to public employees</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 230.1	<u>Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</u>
Lab. Code 233	<u>Leave to attend to family illness</u>
Lab. Code 234	<u>Absence control policy</u>
Lab. Code 245-249	<u>Healthy Workplaces, Healthy Families Act of 2014</u>
Federal References	Description
20 USC 1681-1688	<u>Title IX of the Education Amendments of 1972; discrimination based on sex</u>
29 CFR 1635.1-1635.12	<u>Genetic Information Nondiscrimination Act of 2008</u>
29 CFR 825.100-825.702	<u>Family and Medical Leave Act of 1993</u>
29 USC 2601-2654	<u>Family Care and Medical Leave Act</u>
34 CFR 106.1-106.82	<u>Discrimination on the basis of sex; effectuating Title IX</u>
42 USC 2000ff-2000ff-11	<u>Genetic Information Nondiscrimination Act of 2008</u>
Management Resources References	Description
Court Decision	<u>Veguez v. Governing Board of Long Beach Unified School District (2005) 127 Cal.App.4th 406</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Cross References	Description
2121	<u>Superintendent's Contract</u>
4032	<u>Reasonable Accommodation</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>

Cross References**Description**

4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4113.4	<u>Temporary Modified/Light-Duty Assignment</u>
4113.5	<u>Working Remotely</u>
4116	<u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u>
4117.11	<u>Preretirement Part-Time Employment</u>
4119.41	<u>Employees With Infectious Disease</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4141.6	<u>Concerted Action/Work Stoppage</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4157.1	<u>Work-Related Injuries</u>
4159	<u>Employee Assistance Programs</u>
4161	<u>Leaves</u>
4161	<u>Leaves</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4161.2	<u>Personal Leaves</u>
4161.5	<u>Military Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
4161.9	<u>Catastrophic Leave Program</u>
4161.9	<u>Catastrophic Leave Program</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4213.4	<u>Temporary Modified/Light-Duty Assignment</u>
4213.5	<u>Working Remotely</u>
4219.41	<u>Employees With Infectious Disease</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4257.1	<u>Work-Related Injuries</u>
4259	<u>Employee Assistance Programs</u>
4261	<u>Leaves</u>
4261	<u>Leaves</u>

Cross References

	Description
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4261.9	<u>Catastrophic Leave Program</u>
4261.9	<u>Catastrophic Leave Program</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4313.4	<u>Temporary Modified/Light-Duty Assignment</u>
4313.5	<u>Working Remotely</u>
4317.11	<u>Preretirement Part-Time Employment</u>
4319.41	<u>Employees With Infectious Disease</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357.1	<u>Work-Related Injuries</u>
4359	<u>Employee Assistance Programs</u>
4361	<u>Leaves</u>
4361	<u>Leaves</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.2	<u>Personal Leaves</u>
4361.5	<u>Military Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
4361.9	<u>Catastrophic Leave Program</u>
4361.9	<u>Catastrophic Leave Program</u>

Regulation 4161.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

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

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 five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194.

"Immediate family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling, or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified in the collective bargaining agreement or as otherwise established by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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)

Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the district shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

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; Government Code 12945.7)
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; Government Code 12945.2; 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)

A certificated employee shall be granted leave with pay to appear in court as a witness other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. 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 written 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)

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 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Resignation and leaves of absence
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.6	Reproductive loss leave
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

State References

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

[Leave for volunteer firefighters](#)
[Time off to visit child's school](#)
[Leave to attend to family illness](#)
[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
 Website
 Website
 Website
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 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](#)
[California Department of Industrial Relations](#)
[California Federation of Teachers](#)
[California Public Employment Relations Board](#)
[California School Employees Association](#)
[California Teachers Association](#)

Cross References

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Description

[Superintendent's Contract](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Temporary/Substitute Personnel](#)
[Temporary/Substitute Personnel](#)
[Bargaining Units](#)
[Concerted Action/Work Stoppage](#)
[Concerted Action/Work Stoppage](#)
[Negotiations/Consultation](#)
[Employee Security](#)
[Employee Security](#)
[Leaves](#)
[Leaves](#)
[Personal Illness/Injury Leave](#)
[Family Care And Medical Leave](#)
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[Employee Notifications](#)

Cross References

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Description

Bargaining Units
Concerted Action/Work Stoppage
Concerted Action/Work Stoppage
Negotiations/Consultation
Employee Security
Employee Security
Leaves
Leaves
Personal Illness/Injury Leave
Family Care And Medical Leave
Employee Notifications
Employee Notifications
Bargaining Units
Employee Security
Employee Security
Leaves
Leaves
Personal Illness/Injury Leave
Family Care And Medical Leave
Child Care And Development
Child Care And Development

Policy 4212.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	<u>District records; breach of security</u>
Ed. Code 17612	<u>Notification of pesticide use</u>
Ed. Code 22455.5	<u>STRS information to potential members</u>
Ed. Code 22461	<u>Postretirement compensation limitation</u>
Ed. Code 231.5	<u>Sexual harassment policy</u>
Ed. Code 35031	<u>Term of employment</u>
Ed. Code 35171	<u>Availability of rules and regulations for evaluation of performance</u>
Ed. Code 37616	<u>Consultation regarding year-round schedule</u>
Ed. Code 44663-44664	<u>Evaluation of certificated employees</u>
Ed. Code 44842	<u>Reemployment notices; certificated employees</u>
Ed. Code 44896	<u>Transfer of administrator or supervisor to teaching position</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44929.21	<u>Notice of reelection decision; districts with 250 ADA or more</u>
Ed. Code 44929.23	<u>Districts with less than 250 ADA</u>
Ed. Code 44934	<u>Notice of disciplinary action for cause</u>
Ed. Code 44938	<u>Notice of unprofessional conduct and opportunity to correct</u>
Ed. Code 44940.5-44941	<u>Notification of suspension and intent to dismiss</u>
Ed. Code 44948.3-44948.5	<u>Dismissal of probationary employees</u>

State References

Ed. Code 44948.5

Ed. Code 44949

Ed. Code 44951

Ed. Code 44954

Ed. Code 44955

Ed. Code 44955.5

Ed. Code 45113

Ed. Code 45117

Ed. Code 45169

Ed. Code 45192

Ed. Code 45195

Ed. Code 46162

Ed. Code 48201

Ed. Code 48851.3

Ed. Code 49013

Ed. Code 49079

Ed. Code 49414

Ed. Code 49414.3

Gov. Code 1126

Gov. Code 12950

Gov. Code 21029

Gov. Code 54957

Gov. Code 54963

Gov. Code 8355

H&S Code 104420

H&S Code 120875

H&S Code 120880

H&S Code 1797.196

Lab. Code 230

Lab. Code 2800.2

Lab. Code 3550-3553

Lab. Code 5401

Pen. Code 11165.7

Pen. Code 11166.5

Unemp. Ins. Code 2613

W&I Code 827

DescriptionNonreelection procedures; districts under 250 ADADismissal of probationary employeesContinuation in position unless notified; administrative or supervisory personnelNonreelection of temporary employeesReduction in number of permanent employeesDecrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendanceNotification of charges; classified employeesNotice of layoff; classified employeesEmployee salary data; classified employeesIndustrial accident and illness leave for classified employeesAdditional leaveAlternative schedule for junior high and high school; public hearing with noticeTransfer student's record for acts that resulted in suspension or expulsionEducation of students in foster care and students who are homelessComplaints regarding student feesNotification to teacher, student who has engaged in acts re: grounds suspension or expulsionEpinephrine auto-injectorsAdministration of opioid antagonistIncompatible activities of employeesSexual harassmentRetirement credit for period of military serviceComplaints against employees; right to open sessionUnauthorized disclosure of confidential informationCertification of drug-free workplace, including notificationTobacco-free schoolsInformation on AIDS, AIDS-related conditions, and hepatitis BNotification to employees re AIDS, AIDS-related conditions, and hepatitis BAutomated external defibrillators; notification of use and locationsAccommodations and leave for victims of domestic violenceNotification of availability of continuation health coverageNotifications: Workers' compensation benefitsWorkers' compensation; claim form and notice of potential eligibilityChild Abuse and Neglect Reporting Act; notification requirementEmployment; statement of knowledge of duty to report child abuse or neglectDisability insurance; notice of rights and benefitsLimited exception to juvenile court record

Federal References

20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification

Description**Management Resources References**

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace

Description

Cross References

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DescriptionNondiscrimination In EmploymentNondiscrimination In EmploymentLactation AccommodationDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversCriminal Record CheckCriminal Record CheckPersonnel FilesEvaluation/SupervisionEvaluation/SupervisionProbationary/Permanent StatusProbationary/Permanent StatusPostretirement EmploymentPersonnel ReductionEmployment Status ReportsDismissal/Suspension/Disciplinary ActionDismissal/Suspension/Disciplinary ActionSexual HarassmentSexual HarassmentUniversal PrecautionsUniversal PrecautionsTemporary/Substitute PersonnelTemporary/Substitute PersonnelNonschool EmploymentHealth And Welfare BenefitsHealth And Welfare BenefitsEmployee SafetyEmployee SafetyWork-Related InjuriesEmployee SecurityEmployee SecurityPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveAppointment And Conditions Of EmploymentDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversCriminal Record Check

Cross References**Description**

4212.5-E(1)	<u>Criminal Record Check</u>
4212.6	<u>Personnel Files</u>
4216	<u>Probationary/Permanent Status</u>
4217.3	<u>Layoff/Rehire</u>
4219.11	<u>Sexual Harassment</u>
4219.11	<u>Sexual Harassment</u>
4219.43	<u>Universal Precautions</u>
4219.43	<u>Universal Precautions</u>
4236	<u>Nonschool Employment</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4312.6	<u>Personnel Files</u>
4317.14	<u>Postretirement Employment</u>
4317.7	<u>Employment Status Reports</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4336	<u>Nonschool Employment</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4357.1	<u>Work-Related Injuries</u>
4358	<u>Employee Security</u>

Cross References

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6173-E(2)

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9321-E(2)

DescriptionEmployee SecurityPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsChild Abuse Prevention And ReportingChild Abuse Prevention And ReportingNondiscrimination/HarassmentNondiscrimination/HarassmentYear-Round SchedulesEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenCareer Technical EducationCareer Technical EducationBoard PoliciesClosed SessionClosed SessionClosed Session

Exhibit 4212.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and newcomer students.

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2
Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses
Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee

receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon

employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed
Education or Other Legal Code: Labor Code 230
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
 Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
 Board Policy/Administrative Regulation #: AR 6173
 Subject: Duties of district liaison for homeless students and availability of training and services

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
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 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees

State References	Description
Ed. Code 44955.5	<u>Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</u>
Ed. Code 45113	<u>Notification of charges; classified employees</u>
Ed. Code 45117	<u>Notice of layoff; classified employees</u>
Ed. Code 45169	<u>Employee salary data; classified employees</u>
Ed. Code 45192	<u>Industrial accident and illness leave for classified employees</u>
Ed. Code 45195	<u>Additional leave</u>
Ed. Code 46162	<u>Alternative schedule for junior high and high school; public hearing with notice</u>
Ed. Code 48201	<u>Transfer student's record for acts that resulted in suspension or expulsion</u>
Ed. Code 48851.3	<u>Education of students in foster care and students who are homeless</u>
Ed. Code 49013	<u>Complaints regarding student fees</u>
Ed. Code 49079	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
Ed. Code 49414	<u>Epinephrine auto-injectors</u>
Ed. Code 49414.3	<u>Administration of opioid antagonist</u>
Gov. Code 1126	<u>Incompatible activities of employees</u>
Gov. Code 12950	<u>Sexual harassment</u>
Gov. Code 21029	<u>Retirement credit for period of military service</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
Gov. Code 54963	<u>Unauthorized disclosure of confidential information</u>
Gov. Code 8355	<u>Certification of drug-free workplace, including notification</u>
H&S Code 104420	<u>Tobacco-free schools</u>
H&S Code 120875	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
H&S Code 120880	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>
H&S Code 1797.196	<u>Automated external defibrillators; notification of use and locations</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 2800.2	<u>Notification of availability of continuation health coverage</u>
Lab. Code 3550-3553	<u>Notifications: Workers' compensation benefits</u>
Lab. Code 5401	<u>Workers' compensation; claim form and notice of potential eligibility</u>
Pen. Code 11165.7	<u>Child Abuse and Neglect Reporting Act; notification requirement</u>
Pen. Code 11166.5	<u>Employment; statement of knowledge of duty to report child abuse or neglect</u>
Unemp. Ins. Code 2613	<u>Disability insurance; notice of rights and benefits</u>
W&I Code 827	<u>Limited exception to juvenile court record</u>
Federal References	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination

Federal References

34 CFR 106.9
 34 CFR 84.205-84.210
 38 USC 4334
 40 CFR 763.84
 40 CFR 763.93
 41 USC 8101-8106
 42 USC 11431-11435
 49 CFR 382.113
 49 CFR 382.303
 49 CFR 382.601

Description

Severability
 Drug-free workplace statement
 Uniformed Services Employment and Reemployment Rights Act; notice requirement
 Asbestos inspections, response actions and post-response actions
 Asbestos management plans
 Drug-Free Workplace Act
 McKinney-Vento Homeless Assistance Act
 Controlled substance and alcohol use and testing notifications
 Post-accident information, procedures, and instructions
 Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

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4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u>
4115	<u>Evaluation/Supervision</u>
4115	<u>Evaluation/Supervision</u>
4116	<u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u>
4117.14	<u>Postretirement Employment</u>
4117.3	<u>Personnel Reduction</u>
4117.7	<u>Employment Status Reports</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
4119.43	<u>Universal Precautions</u>
4119.43	<u>Universal Precautions</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4136	<u>Nonschool Employment</u>
4154	<u>Health And Welfare Benefits</u>
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4157	<u>Employee Safety</u>
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4158	<u>Employee Security</u>
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4161.11	<u>Industrial Accident/Illness Leave</u>
4161.2	<u>Personal Leaves</u>
4161.5	<u>Military Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
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4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
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4212.6	<u>Personnel Files</u>
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4236	<u>Nonschool Employment</u>
4254	<u>Health And Welfare Benefits</u>
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4257	<u>Employee Safety</u>
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4258	<u>Employee Security</u>
4261.1	<u>Personal Illness/Injury Leave</u>
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4261.5	<u>Military Leave</u>
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4312.1	<u>Contracts</u>
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4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4312.6	<u>Personnel Files</u>
4317.14	<u>Postretirement Employment</u>
4317.7	<u>Employment Status Reports</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
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4361.1	<u>Personal Illness/Injury Leave</u>
4361.11	<u>Industrial Accident/Illness Leave</u>
4361.2	<u>Personal Leaves</u>

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9321-E(1)

9321-E(2)

DescriptionMilitary LeaveFamily Care And Medical LeaveAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsChild Abuse Prevention And ReportingChild Abuse Prevention And ReportingNondiscrimination/HarassmentNondiscrimination/HarassmentYear-Round SchedulesEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenCareer Technical EducationCareer Technical EducationBoard PoliciesClosed SessionClosed SessionClosed Session

Policy 4218.1: Dismissal/Suspension/Disciplinary Action (Merit System)

Status: ADOPTED

Original Adopted Date: 07/01/2019 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board expects all employees to perform their jobs satisfactorily and exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. 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.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or 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 or leave without pay, reduction of wages, or dismissal.

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)

If the district places an employee on a compulsory leave of absence or suspension during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, and the proceedings are resolved in favor of the employee, the district shall pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the school district. (Education Code 45190)

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

Civ. Code 1286.2

Ed. Code 11500-11506

Description

[Inalienable rights](#)

[Grounds for vacating decision of arbitrator](#)

[Programs to encourage parent involvement](#)

State References

Ed. Code 35161	<u>Board delegation of any powers or duties</u>
Ed. Code 44009	<u>Conviction of specified crimes</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44031	<u>Personnel file contents and inspection</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44940.5	<u>Procedures when employees are placed on compulsory leave of absence</u>
Ed. Code 44990-44994	<u>Testimony of minor witnesses at dismissal or suspension hearings</u>
Ed. Code 45101	<u>Definitions; disciplinary action and cause</u>
Ed. Code 45109	<u>Fixing of duties</u>
Ed. Code 45123	<u>Employment after conviction of controlled substance offense</u>
Ed. Code 45124	<u>Dismissal of sexual psychopath</u>
Ed. Code 45190	<u>Resignation and leaves of absence</u>
Ed. Code 45202	<u>Transfer of accumulated sick leave and other benefits</u>
Ed. Code 45240-45320	<u>Merit system</u>
Ed. Code 45302-45307	<u>Suspension, dismissal, or other disciplinary action; classified employees</u>
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
H&S Code 11054	<u>Schedule I; substances included</u>
H&S Code 11055	<u>Schedule II; substances included</u>
H&S Code 11056	<u>Schedule III; substances included</u>
H&S Code 11357-11361	<u>Marijuana</u>
H&S Code 11363	<u>Peyote</u>
H&S Code 11364	<u>Opium</u>
H&S Code 11370.1	<u>Possession of controlled substances with a firearm</u>
Pen. Code 11165.2-11165.6	<u>Child abuse or neglect; definitions</u>
Pen. Code 1192.7	<u>Plea bargaining limitation</u>
Pen. Code 187	<u>Murder</u>
Pen. Code 667.5	<u>Prior prison terms; enhancement of prison terms</u>
Pen. Code 830.32	<u>School district and community college police</u>
Veh. Code 1808.8	<u>School bus drivers; dismissal for safety-related cause</u>

Federal References

42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution	<u>Amendment 1; Free exercise, free speech, and establishment clauses</u>

Management Resources References

CA School Personnel Comm Association Publication	Merit Rules and Regulations: CSPCA Recommended Personnel Policies and Procedures Manual for California School Merit Systems, 2014
Court Decision	Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407

Management Resources References

Court Decision	California School Employees Association v. Personnel Commission (1970) 3 Cal.3d 139
Court Decision	California School Employees Association v. Bonita Unified School District (2008) No. B200141
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
U.S. Department of Education Publication	Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	California School Personnel Commissioners Association

Description**Cross References**

1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
3230	Federal Grant Funds
3230	Federal Grant Funds
4000	Concepts And Roles
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.24	Maintaining Appropriate Adult-Student Interactions
4141	Collective Bargaining Agreement
4200	Classified Personnel
4200	Classified Personnel
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment

Description

Cross References

4219.11

4219.21

4219.21-E(1)

4219.24

4241

4312.5

4312.5-E(1)

4312.6

4319.1

4319.11

4319.11

4319.21

4319.21-E(1)

4319.24

DescriptionSexual HarassmentProfessional StandardsProfessional StandardsMaintaining Appropriate Adult-Student InteractionsCollective Bargaining AgreementCriminal Record CheckCriminal Record CheckPersonnel FilesCivil And Legal RightsSexual HarassmentSexual HarassmentProfessional StandardsProfessional StandardsMaintaining Appropriate Adult-Student Interactions

Policy 4227: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board acknowledges that well-trained coaches are vital to the success of the experience of students in sports and interscholastic athletic activities, and therefore desires to employ highly qualified coaches for the district's interscholastic athletic activities in order to enhance the knowledge, skills, motivation, and safety of participating students.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. Interscholastic athletic activities include any activities in which student teams participate in interscholastic competition. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic activity team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to applicable law, Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic activity shall, prior to beginning the individual's duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6, 35179.1, and 49032, and by district policy.

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

State References

5 CCR 5531
5 CCR 5590-5596
Ed. Code 33479-33479.9
Ed. Code 35179-35179.8
Ed. Code 44010
Ed. Code 44011

Description

Supervision of extracurricular activities of students
Duties of temporary athletic team coaches
[The Eric Parades Sudden Cardiac Arrest Prevention Act](#)
Interscholastic athletics
[Sex offense: definitions](#)
[Controlled substance offense](#)

State References

Ed. Code 44332-44332.5

Ed. Code 44424

Ed. Code 44808

Ed. Code 44916

Ed. Code 44919

Ed. Code 45125.01

Ed. Code 45347

Ed. Code 45349

Ed. Code 49024

Ed. Code 49030-49034

Ed. Code 49406

H&S Code 124238-124238.5

Description[Temporary certificates](#)[Conviction of a crime](#)[Liability when students are not on school property](#)[Written statement of employment status](#)[Classification of temporary employees; classifications](#)[Interagency agreements for criminal record information](#)[Instructional aides subject to requirements for classified staff](#)[Use of volunteers to supervise or instruct students](#)[Activity Supervisor Clearance Certificate](#)[Performance enhancing substances](#)[TB risk assessment](#)[Nevaeh Youth Sports Safety Act](#)**Management Resources References**

California Interscholastic Federation Publication

California Interscholastic Federation Publication

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

Website

Website

Website

Website

Website

Website

Website

Website

Description[Pursuing Victory with Honor, 1999](#)[California Interscholastic Federation Constitution and Bylaws](#)[Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate \(ASCC\), Coded Correspondence 10-11, July 20, 2010](#)[CTA v. Rialto Unified School District \(1997\) 14 Cal. 4th 627](#)[Kavanaugh v. West Sonoma Union High School District \(2003\) 29 Cal.4th 911](#)[Neily v. Manhattan Beach Unified School District \(2011\) 192 Cal.App.4th 187](#)[Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016](#)[Preventing Catastrophic Heat Illness, Governance Brief, July 2018](#)[Positive Coaching Alliance](#)[CSBA District and County Office of Education Legal Services](#)[National Athletic Trainers' Association](#)[California Interscholastic Federation](#)[California Athletic Trainers' Association](#)[Commission on Teacher Credentialing](#)[CSBA](#)[California Department of Education](#)**Cross References**

1230

1230

1240

1240

4112.4

4112.5

Description[School-Connected Organizations](#)[School-Connected Organizations](#)[Volunteer Assistance](#)[Volunteer Assistance](#)[Health Examinations](#)[Criminal Record Check](#)

Cross References

	Description
4112.5-E(1)	<u>Criminal Record Check</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4212.4	<u>Health Examinations</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4312.4	<u>Health Examinations</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5131.1	<u>Bus Conduct</u>
5131.1	<u>Bus Conduct</u>
5131.63	<u>Steroids</u>
5131.63	<u>Steroids</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>

Regulation 4227: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic

program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

Each employee or volunteer high school athletic team coach shall complete, at the individual's expense, a coaching education program that meets the standards developed by CIF and includes, but is not limited to, training in regard to sport psychology, sport pedagogy, sport physiology, sport management, statewide and school regulations, CPR, including certification, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. A high school coach who has completed the education program in another California school district shall be deemed to have met the requirement for this district. An individual who has not completed the education program may be assigned as a coach for no longer than one season of interscholastic competition. (Education Code 35179.1, 49032)

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics

11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

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 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	<u>The Eric Parades Sudden Cardiac Arrest Prevention Act</u>
Ed. Code 35179-35179.8	<u>Interscholastic athletics</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44332-44332.5	<u>Temporary certificates</u>
Ed. Code 44424	<u>Conviction of a crime</u>
Ed. Code 44808	<u>Liability when students are not on school property</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45347	<u>Instructional aides subject to requirements for classified staff</u>
Ed. Code 45349	<u>Use of volunteers to supervise or instruct students</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Ed. Code 49030-49034	<u>Performance enhancing substances</u>
Ed. Code 49406	<u>TB risk assessment</u>
H&S Code 124238-124238.5	Nevaeh Youth Sports Safety Act

Management Resources References	Description
California Interscholastic Federation Publication	<u>Pursuing Victory with Honor, 1999</u>
California Interscholastic Federation Publication	<u>California Interscholastic Federation Constitution and Bylaws</u>
Commission on Teacher Credentialing Publication	Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), Coded Correspondence 10-11, July 20, 2010
Court Decision	CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
CSBA Publication	<u>Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016</u>
CSBA Publication	<u>Preventing Catastrophic Heat Illness, Governance Brief, July 2018</u>
Website	<u>Positive Coaching Alliance</u>

Management Resources References

Website	CSBA District and County Office of Education Legal Services
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Description**Cross References**

1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
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4218	Dismissal/Suspension/Disciplinary Action
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5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity

Description

Cross References

6145

6145

6145.2

6145.2

DescriptionExtracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular ActivitiesAthletic CompetitionAthletic Competition

Policy 4261: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave
11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
12. Bereavement

Long-Term Leaves

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that employee held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board

policy, administrative regulation, or law.

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment

Federal References

	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

Cross References**Description**

4131	<u>Staff Development</u>
4141	<u>Collective Bargaining Agreement</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4159	<u>Employee Assistance Programs</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4161.2	<u>Personal Leaves</u>
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Cross References

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DescriptionIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4261: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

Failure to Return to Service After Leave

The district may terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of the intention to remain in service with the district in accordance with Education Code 44842
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Board

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

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

State References	Description
Ed. Code 22850-22856	<u>Pension benefits; STRS members on military leave</u>
Ed. Code 44018	<u>Compensation for employees on active military duty</u>
Ed. Code 44036-44037	<u>Leaves of absence for judicial and official appearances</u>
Ed. Code 44043.5	<u>Catastrophic leave</u>
Ed. Code 44800	<u>Effect of active military service on status of employees</u>
Ed. Code 44842	<u>Reemployment notices; certificated employees</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44962-44988	<u>Leave of absence; certificated</u>
Ed. Code 45059	<u>Employee ordered to active military/naval duty; computation of salary</u>
Ed. Code 45190-45210	<u>Leaves of absence; classified</u>
Fam. Code 297-297.5	<u>Rights, protections, benefits under the law; registered domestic partners</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Gov. Code 20990-21013	<u>Pension benefits; PERS members on military leave</u>
Gov. Code 3543.1	<u>Rights of employee organizations</u>
Gov. Code 3543.2	<u>Scope of representation</u>
Lab. Code 230-230.2	<u>Leaves for victims of domestic violence, sexual assault or specified felonies</u>
Lab. Code 230.3	<u>Leave for emergency personnel</u>

State References

Lab. Code 230.4
 Lab. Code 230.8
 Lab. Code 233
 M&V Code 395-395.9
 M&V Code 395.10

Description

Leave for volunteer firefighters
Time off to visit child's school
Leave to attend to family illness
Military leave
Leave when spouse on leave from military deployment

Federal References

29 USC 2601-2654
 38 USC 4301-4334

Description

Family Care and Medical Leave Act
 Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Website

Description

CSBA District and County Office of Education Legal Services

Cross References

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Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
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Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Staff Development
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Health And Welfare Benefits
Health And Welfare Benefits

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DescriptionEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesProfessional LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave ProgramAdministrative And Supervisory PersonnelAdministrative And Supervisory PersonnelContractsDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversStaff DevelopmentHealth And Welfare BenefitsHealth And Welfare BenefitsEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4261.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 03/01/2017 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Classified employees employed five days a week are entitled to 12 days' leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, part-time employees who are entitled to less than 24 hours of paid sick leave per fiscal year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 45191; Labor Code 245-249)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)
2. Pregnancy, miscarriage, childbirth, and related recovery (Education Code 45193)
3. Personal necessity (Education Code 45207)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)
6. Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave, or the proportionate amount to which the employee may be entitled, until the first day of the month after the employee has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

The Superintendent or designee shall notify any classified employee whose employment with the district is

terminated after at least one calendar year for reasons other than for cause that, if the employee accepts employment in another district, county office of education, or community college district within one year of the termination of employment, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 45202)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a classified employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 12 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or higher by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 45191.5)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 12-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 45191.5)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

An employee shall notify the Superintendent or the designated manager or supervisor of the need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

OPTION 1:

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 1 ENDS HERE

OPTION 2:

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and

accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

OPTION 2 ENDS HERE

Parental Leave

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to the employee's immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

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

Short-Term and Substitute Employees

OPTION 1:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 1 ENDS HERE

OPTION 2:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of their employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2 ENDS HERE

OPTION 3:

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with 24 hours or three days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

OPTION 3 ENDS HERE

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The employee's own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

No employee, including a short-term or substitute employee, shall be denied the right to use accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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 44042.5	<u>Wage overpayment</u>
Ed. Code 45103	<u>Classified service in districts not incorporating the merit system</u>
Ed. Code 45190	<u>Resignation and leaves of absence</u>
Ed. Code 45191	<u>Personal illness and injury leave; classified employees</u>
Ed. Code 45191.5	<u>Leave for military service-connected disability</u>
Ed. Code 45193	<u>Leave of absence for pregnancy; use of sick leave under certain circumstance</u>
Ed. Code 45195	<u>Additional leave</u>
Ed. Code 45196	<u>Salary deductions during sick leave; classified employees</u>
Ed. Code 45196.1	<u>Differential pay during parental leave up to 12 weeks after sick leave is exhausted</u>
Ed. Code 45202	<u>Transfer of accumulated sick leave and other benefits</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.6	<u>Reproductive loss leave</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 230.1	<u>Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</u>
Lab. Code 233	<u>Leave to attend to family illness</u>
Lab. Code 245-249	<u>Healthy Workplaces, Healthy Families Act of 2014</u>
Federal References	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008

Federal References

29 CFR 825.100-825.702
 29 USC 2601-2654
 34 CFR 106.1-106.82
 42 USC 2000ff-2000ff-11

Description

Family and Medical Leave Act of 1993
 Family Care and Medical Leave Act
 Discrimination on the basis of sex; effectuating Title IX
 Genetic Information Nondiscrimination Act of 2008

Management Resources References

Court Decision
 Court Decision
 Website

Description

California School Employees Association v. Colton Joint Unified School District (2009) 170 Cal.App.4th 957
 California School Employees Association v. Tustin Unified School District (2007) 148 Cal.App.4th 510
[CSBA District and County Office of Education Legal Services](#)

Cross References

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Description

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[Drug And Alcohol Testing For School Bus Drivers](#)
[Employee Notifications](#)
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[Temporary Modified/Light-Duty Assignment](#)
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[Concerted Action/Work Stoppage](#)
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[Probationary/Permanent Status](#)
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Cross References**Description**

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Regulation 4261.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

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

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 five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194.

"Immediate family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling, or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified in the collective bargaining agreement or as otherwise established by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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)

Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the district shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

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; Government Code 12945.7)
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; Government Code 12945.2; 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)

A certificated employee shall be granted leave with pay to appear in court as a witness other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. 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 written 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)

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 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	Resignation and leaves of absence
Ed. Code 45194	Bereavement leave of absence; classified
Ed. Code 45198	Effect of provisions authorizing leaves of absence
Ed. Code 45207	Personal necessity; classified
Ed. Code 45210	Service as officer of employee organization; classified
Ed. Code 45240-45320	Merit system
Evid. Code 1035.2	Sex assault counselor; definition
Evid. Code 1037.1	Domestic violence counselor; definition
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.6	Reproductive loss leave
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

State References

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

Leave for volunteer firefighters
Time off to visit child's school
Leave to attend to family illness
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
 Website
 Website
 Website
 Website
 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
California Department of Industrial Relations
California Federation of Teachers
California Public Employment Relations Board
California School Employees Association
California Teachers Association

Cross References

2121
 4112.9
 4112.9-E(1)
 4121
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 4212.9
 4212.9-E(1)

Description

Superintendent's Contract
 Employee Notifications
 Employee Notifications
 Temporary/Substitute Personnel
 Temporary/Substitute Personnel
 Bargaining Units
 Concerted Action/Work Stoppage
 Concerted Action/Work Stoppage
 Negotiations/Consultation
 Employee Security
 Employee Security
 Leaves
 Leaves
 Personal Illness/Injury Leave
 Family Care And Medical Leave
 Employee Notifications
 Employee Notifications

Cross References

	Description
4240	<u>Bargaining Units</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4243	<u>Negotiations/Consultation</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4261	<u>Leaves</u>
4261	<u>Leaves</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4340	<u>Bargaining Units</u>
4358	<u>Employee Security</u>
4358	<u>Employee Security</u>
4361	<u>Leaves</u>
4361	<u>Leaves</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>

Policy 4312.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	<u>Notification of pesticide use</u>
Ed. Code 22455.5	<u>STRS information to potential members</u>
Ed. Code 22461	<u>Postretirement compensation limitation</u>
Ed. Code 231.5	<u>Sexual harassment policy</u>
Ed. Code 35031	<u>Term of employment</u>
Ed. Code 35171	<u>Availability of rules and regulations for evaluation of performance</u>
Ed. Code 37616	<u>Consultation regarding year-round schedule</u>
Ed. Code 44663-44664	<u>Evaluation of certificated employees</u>
Ed. Code 44842	<u>Reemployment notices; certificated employees</u>
Ed. Code 44896	<u>Transfer of administrator or supervisor to teaching position</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44929.21	<u>Notice of reelection decision; districts with 250 ADA or more</u>
Ed. Code 44929.23	<u>Districts with less than 250 ADA</u>
Ed. Code 44934	<u>Notice of disciplinary action for cause</u>
Ed. Code 44938	<u>Notice of unprofessional conduct and opportunity to correct</u>
Ed. Code 44940.5-44941	<u>Notification of suspension and intent to dismiss</u>
Ed. Code 44948.3-44948.5	<u>Dismissal of probationary employees</u>

State References**Description**

Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications: Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record

Federal References

20 USC 2354
 29 CFR 825.300
 34 CFR 100
 34 CFR 104.8
 34 CFR 106.9
 34 CFR 84.205-84.210
 38 USC 4334
 40 CFR 763.84
 40 CFR 763.93
 41 USC 8101-8106
 42 USC 11431-11435
 49 CFR 382.113
 49 CFR 382.303
 49 CFR 382.601

Description

Local application for career and technical education programs
 Family and Medical Leave Act; notice requirement
 Nondiscrimination under programs receiving federal assistance
 Nondiscrimination
 Severability
 Drug-free workplace statement
 Uniformed Services Employment and Reemployment Rights Act; notice requirement
 Asbestos inspections, response actions and post-response actions
 Asbestos management plans
 Drug-Free Workplace Act
 McKinney-Vento Homeless Assistance Act
 Controlled substance and alcohol use and testing notifications
 Post-accident information, procedures, and instructions
 Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

0410
 1312.3
 1312.3
 1312.3-E(1)
 1312.3-E(2)
 2121
 3260
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 3513.3
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Description

[Nondiscrimination In District Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Superintendent's Contract](#)
[Fees And Charges](#)
[Fees And Charges](#)
[Tobacco-Free Schools](#)
[Tobacco-Free Schools](#)
[Environmental Safety](#)
[Environmental Safety](#)
[Hazardous Substances](#)
[Hazardous Substances](#)
[Integrated Pest Management](#)
[District Police/Security Department](#)
[District Police/Security Department](#)
[School Bus Drivers](#)
[District Records](#)
[District Records](#)
[Drug And Alcohol-Free Workplace](#)

Cross References	Description
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4033	<u>Lactation Accommodation</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u>
4115	<u>Evaluation/Supervision</u>
4115	<u>Evaluation/Supervision</u>
4116	<u>Probationary/Permanent Status</u>
4116	<u>Probationary/Permanent Status</u>
4117.14	<u>Postretirement Employment</u>
4117.3	<u>Personnel Reduction</u>
4117.7	<u>Employment Status Reports</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
4119.43	<u>Universal Precautions</u>
4119.43	<u>Universal Precautions</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4136	<u>Nonschool Employment</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4157	<u>Employee Safety</u>
4157	<u>Employee Safety</u>
4157.1	<u>Work-Related Injuries</u>
4158	<u>Employee Security</u>
4158	<u>Employee Security</u>
4161.1	<u>Personal Illness/Injury Leave</u>
4161.11	<u>Industrial Accident/Illness Leave</u>
4161.2	<u>Personal Leaves</u>
4161.5	<u>Military Leave</u>
4161.8	<u>Family Care And Medical Leave</u>
4212	<u>Appointment And Conditions Of Employment</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.5	<u>Criminal Record Check</u>

Cross References**Description**

4212.5-E(1)	<u>Criminal Record Check</u>
4212.6	<u>Personnel Files</u>
4216	<u>Probationary/Permanent Status</u>
4217.3	<u>Layoff/Rehire</u>
4219.11	<u>Sexual Harassment</u>
4219.11	<u>Sexual Harassment</u>
4219.43	<u>Universal Precautions</u>
4219.43	<u>Universal Precautions</u>
4236	<u>Nonschool Employment</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4257	<u>Employee Safety</u>
4257	<u>Employee Safety</u>
4257.1	<u>Work-Related Injuries</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.11	<u>Industrial Accident/Illness Leave</u>
4261.2	<u>Personal Leaves</u>
4261.5	<u>Military Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4312.6	<u>Personnel Files</u>
4317.14	<u>Postretirement Employment</u>
4317.7	<u>Employment Status Reports</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4319.43	<u>Universal Precautions</u>
4336	<u>Nonschool Employment</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4357	<u>Employee Safety</u>
4357	<u>Employee Safety</u>
4357.1	<u>Work-Related Injuries</u>
4358	<u>Employee Security</u>

Cross References

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4361.11

4361.2

4361.5

4361.8

5141.21

5141.21

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9321-E(1)

9321-E(2)

DescriptionEmployee SecurityPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsChild Abuse Prevention And ReportingChild Abuse Prevention And ReportingNondiscrimination/HarassmentNondiscrimination/HarassmentYear-Round SchedulesEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenCareer Technical EducationCareer Technical EducationBoard PoliciesClosed SessionClosed SessionClosed Session

Exhibit 4312.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to employees. Other notices may exist and be identified in the future.

I. To All Employees

When/Whom to Notify: At the beginning of school year or upon employment
Education or Other Legal Code: Education Code 231.5, Government Code 12950
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: The district's policy on sexual harassment, legal remedies, complaints

When/Whom to Notify: Annually and 72 hours before pesticide application
Education or Other Legal Code: Education Code 17612
Board Policy/Administrative Regulation #: AR 3514.2
Subject: Use of pesticide products, active ingredients, Internet address to access information on pesticides

When/Whom to Notify: Prior to implementing year-round schedule
Education or Other Legal Code: Education Code 37616
Board Policy/Administrative Regulation #: BP 6117
Subject: Public hearing on implementing year-round program schedule

When/Whom to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: AR 1312.3; BP 0460; BP 3260
Subject: Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control accountability plan

When to Notify: Annually
Education or Other Legal Code: Education Code 49069.5, 51225.1
Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory, and newcomer students.

When/Whom to Notify: Annually
Education or Other Legal Code: Education Code 49414
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49414.7
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: 5141.21
Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year
Education or Other Legal Code: Education Code 49414.3
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 1126
Board Policy/Administrative Regulation #: BP 4136/4236/4336
Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees
Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210
Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359
Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available employee assistance programs

When/Whom to Notify: Upon employment
Education or Other Legal Code: Government Code 21029
Board Policy/Administrative Regulation #: None
Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter
Education or Other Legal Code: Health and Safety Code 1797.196
Board Policy/Administrative Regulation #: AR 5141
Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: AR 3513.3
Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information
Education or Other Legal Code: Health and Safety Code 120875, 120880
Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43
Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees
Education or Other Legal Code: Labor Code 230.1
Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2
Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck
Education or Other Legal Code: Labor Code 246
Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1
Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave
Education or Other Legal Code: Labor Code 1034
Board Policy/Administrative Regulation #: BP 4033
Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees
Education or Other Legal Code: Labor Code 2800.2
Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Availability of COBRA/Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage

When/Whom to Notify: To employees participating in a flexible spending account
Education or Other Legal Code: Labor Code 2810.7
Board Policy/Administrative Regulation #: None
Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period
Education or Other Legal Code: Labor Code 3551
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable
Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted
Education or Other Legal Code: Labor Code 6409.6
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment
Education or Other Legal Code: Penal Code 11165.7, 11166.5
Board Policy/Administrative Regulation #: AR 5141.4
Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury
Education or Other Legal Code: Unemployment Insurance Code 2613
Board Policy/Administrative Regulation #: AR 4154/4254/4354
Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses
Education or Other Legal Code: Welfare and Institutions Code 827
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

When/Whom to Notify: To all employees and job applicants
Education or Other Legal Code: 2 CCR 11023; 34 CFR 104.8, 106.9
Board Policy/Administrative Regulation #: BP 0410, AR 4030
Subject: District's policy on nondiscrimination and related complaint procedures

When/Whom to Notify: To all employees via employee handbook, or to each new employee
Education or Other Legal Code: 2 CCR 11091, 11095; 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify: To all employees
Education or Other Legal Code: 8 CCR 3203
Board Policy/Administrative Regulation #: AR 4157/4257/4357
Subject: The right and procedure to access the injury and illness prevention program

When/Whom to Notify: To all employees
Education or Other Legal Code: 34 CFR 106.8
Board Policy/Administrative Regulation #: AR 4119.11/4219.11/4319.11
Subject: Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

When/Whom to Notify: Annually
Education or Other Legal Code: 40 CFR 763.84, 763.93
Board Policy/Administrative Regulation #: AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When/Whom to Notify: Prior to the beginning of school year or upon employment
Education or Other Legal Code: 20 USC 2354; 34 CFR 100 Appendix B, 104.8
Board Policy/Administrative Regulation #: AR 6178
Subject: All career and technical education opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100

II. To Certificated Employees

When/Whom to Notify: To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire
Education or Other Legal Code: Education Code 22455.5
Board Policy/Administrative Regulation #: AR 4121
Subject: Criteria for membership in retirement system; right to elect membership at any time

When/Whom to Notify: Upon employment of a retired certificated individual
Education or Other Legal Code: Education Code 22461
Board Policy/Administrative Regulation #: AR 4117.14/4317.14
Subject: Postretirement earnings limitation or employment restriction; monthly report of compensation

When/Whom to Notify: To certificated employees
Education or Other Legal Code: Education Code 35171
Board Policy/Administrative Regulation #: AR 4115, BP 4315
Subject: District regulations related to performance evaluations

When/Whom to Notify: 30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated
Education or Other Legal Code: Education Code 44663
Board Policy/Administrative Regulation #: AR 4115
Subject: Copy of employee's evaluation

When/Whom to Notify: To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee
Education or Other Legal Code: Education Code 44664
Board Policy/Administrative Regulation #: AR 4115
Subject: Notice and description of the unsatisfactory performance

When/Whom to Notify: By May 30, if district elects to issue reemployment notices to certificated employees
Education or Other Legal Code: Education Code 44842
Board Policy/Administrative Regulation #: AR 4112.1
Subject: Request that the employee notify district of intent to remain in service next year

When/Whom to Notify: To probationary and temporary certificated employees upon employment and every July thereafter
Education or Other Legal Code: Education Code 44916
Board Policy/Administrative Regulation #: AR 4112.1, AR 4121
Subject: Employment status and salary

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5

Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936
Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year
Education or Other Legal Code: Education Code 44938
Board Policy/Administrative Regulation #: BP 4118
Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings
Education or Other Legal Code: Education Code 44940.5
Board Policy/Administrative Regulation #: AR 4118
Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee
Education or Other Legal Code: Education Code 44948.3
Board Policy/Administrative Regulation #: AR 4118
Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15
Education or Other Legal Code: Education Code 44949, 44955
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released
Education or Other Legal Code: Education Code 44954
Board Policy/Administrative Regulation #: BP 4121
Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts
Education or Other Legal Code: Education Code 49079
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee

receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct
Education or Other Legal Code: 5 CCR 80303
Board Policy/Administrative Regulation #: AR 4117.7/4317.7
Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district
Education or Other Legal Code: Education Code 45113
Board Policy/Administrative Regulation #: AR 4218
Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program
Education or Other Legal Code: Education Code 45117
Board Policy/Administrative Regulation #: AR 4217.3
Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification
Education or Other Legal Code: Education Code 45169
Board Policy/Administrative Regulation #: AR 4212
Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted
Education or Other Legal Code: Education Code 45192, 45195
Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11
Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents
Education or Other Legal Code: 13 CCR 1234
Board Policy/Administrative Regulation #: AR 3542
Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter
Education or Other Legal Code: 13 CCR 2480
Board Policy/Administrative Regulation #: AR 3542
Subject: Limitations on vehicle idling; consequences of not complying

When/Whom to Notify: To school bus drivers, prior to district drug testing program and thereafter upon

employment

Education or Other Legal Code: 49 CFR 382.113, 382.601

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test

When/Whom to Notify: To school bus drivers, prior to operating school bus

Education or Other Legal Code: 49 CFR 382.303

Board Policy/Administrative Regulation #: AR 4112.42/4212.42/4312.42

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

When/Whom to Notify: To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract

Education or Other Legal Code: Education Code 35031

Board Policy/Administrative Regulation #: BP 2121, BP 4312.1

Subject: Decision not to reelect or reemploy upon expiration of contract or term

When/Whom to Notify: Upon request by administrative or supervisory employee transferred to teaching position

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

When/Whom to Notify: By March 15 to employee who may be released/reassigned the following school year

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

When/Whom to Notify: In the event of a breach of security of district records to affected employees

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

Subject: Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

When/Whom to Notify: Prior to placing derogatory information in personnel file

Education or Other Legal Code: Education Code 44031

Board Policy/Administrative Regulation #: AR 4112.6/4212.6/4312.6

Subject: Notice of derogatory information, opportunity to review and comment

When/Whom to Notify: To employees who volunteer to administer epinephrine auto-injector

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

When/Whom to Notify: To district police officer, within 30 days of decision to impose discipline

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

Subject: Decision to impose discipline, including the date that discipline will be imposed

When/Whom to Notify: To employee returning from military leave of absence, within 30 days of return

Education or Other Legal Code: Government Code 20997

Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5

Subject: Right to receive PERS service credit for military service; application form

When/Whom to Notify: 24 hours before Board meets in closed session to hear complaints or charges against employee

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

Subject: Employee's right to have complaints/charges heard in open session

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information
Education or Other Legal Code: Government Code 54963
Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23
Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed
Education or Other Legal Code: Labor Code 230
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime
Education or Other Legal Code: Labor Code 3553, 5401
Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1
Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification
Education or Other Legal Code: Penal Code 11105, 11105.2
Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5
Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter
Education or Other Legal Code: 8 CCR 3204
Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42
Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related to an employee exposure determination
Education or Other Legal Code: 8 CCR 5191
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area
Education or Other Legal Code: 8 CCR 5194
Board Policy/Administrative Regulation #: AR 3514.1
Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave
Education or Other Legal Code: 38 USC 4334
Board Policy/Administrative Regulation #: AR 4161.5/4261.5/4361.5
Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave
Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee
Education or Other Legal Code: 29 CFR 825.300
Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8
Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness
 Education or Other Legal Code: Education Code 48851.3, 42 USC 11432
 Board Policy/Administrative Regulation #: AR 6173
 Subject: Duties of district liaison for homeless students and availability of training and services

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
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
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 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees

State References

Ed. Code 44955.5
Ed. Code 45113
Ed. Code 45117
Ed. Code 45169
Ed. Code 45192
Ed. Code 45195
Ed. Code 46162
Ed. Code 48201
Ed. Code 48851.3
Ed. Code 49013
Ed. Code 49079
Ed. Code 49414
Ed. Code 49414.3
Gov. Code 1126
Gov. Code 12950
Gov. Code 21029
Gov. Code 54957
Gov. Code 54963
Gov. Code 8355
H&S Code 104420
H&S Code 120875
H&S Code 120880
H&S Code 1797.196
Lab. Code 230
Lab. Code 2800.2
Lab. Code 3550-3553
Lab. Code 5401
Pen. Code 11165.7
Pen. Code 11166.5
Unemp. Ins. Code 2613
W&I Code 827

Description

Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Notification of charges; classified employees
Notice of layoff; classified employees
Employee salary data; classified employees
Industrial accident and illness leave for classified employees
Additional leave
Alternative schedule for junior high and high school; public hearing with notice
Transfer student's record for acts that resulted in suspension or expulsion
Education of students in foster care and students who are homeless
Complaints regarding student fees
Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Epinephrine auto-injectors
Administration of opioid antagonist
Incompatible activities of employees
Sexual harassment
Retirement credit for period of military service
Complaints against employees; right to open session
Unauthorized disclosure of confidential information
Certification of drug-free workplace, including notification
Tobacco-free schools
Information on AIDS, AIDS-related conditions, and hepatitis B
Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
Automated external defibrillators; notification of use and locations
Accommodations and leave for victims of domestic violence
Notification of availability of continuation health coverage
Notifications: Workers' compensation benefits
Workers' compensation; claim form and notice of potential eligibility
Child Abuse and Neglect Reporting Act; notification requirement
Employment; statement of knowledge of duty to report child abuse or neglect
Disability insurance; notice of rights and benefits
Limited exception to juvenile court record

Federal References

20 USC 2354
29 CFR 825.300
34 CFR 100
34 CFR 104.8

Description

Local application for career and technical education programs
Family and Medical Leave Act; notice requirement
Nondiscrimination under programs receiving federal assistance
Nondiscrimination

Federal References

34 CFR 106.9
 34 CFR 84.205-84.210
 38 USC 4334
 40 CFR 763.84
 40 CFR 763.93
 41 USC 8101-8106
 42 USC 11431-11435
 49 CFR 382.113
 49 CFR 382.303
 49 CFR 382.601

Description

Severability
 Drug-free workplace statement
 Uniformed Services Employment and Reemployment Rights Act; notice requirement
 Asbestos inspections, response actions and post-response actions
 Asbestos management plans
 Drug-Free Workplace Act
 McKinney-Vento Homeless Assistance Act
 Controlled substance and alcohol use and testing notifications
 Post-accident information, procedures, and instructions
 Controlled substance and alcohol use and testing notification

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Cross References

0410
 1312.3
 1312.3
 1312.3-E(1)
 1312.3-E(2)
 2121
 3260
 3260
 3513.3
 3513.3
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4112.5	<u>Criminal Record Check</u>
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4161.8	<u>Family Care And Medical Leave</u>
4212	<u>Appointment And Conditions Of Employment</u>
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4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4212.5	<u>Criminal Record Check</u>
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Policy 4327: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board acknowledges that well-trained coaches are vital to the success of the experience of students in sports and interscholastic athletic activities, and therefore desires to employ highly qualified coaches for the district's interscholastic athletic activities in order to enhance the knowledge, skills, motivation, and safety of participating students.

The Superintendent or designee may hire a certificated or noncertificated employee, other than a substitute employee, to supervise or instruct interscholastic athletic activities as a temporary employee in a limited assignment capacity. Interscholastic athletic activities include any activities in which student teams participate in interscholastic competition. (5 CCR 5590)

When hiring a person to fill a position as a temporary athletic activity team coach, the position shall first be made available to qualified certificated teachers currently employed by the district. (Education Code 44919)

All coaches shall be subject to applicable law, Board policies, administrative regulations, and California Interscholastic Federation bylaws and codes of ethical conduct.

Noncertificated coaches shall have no authority to assign grades to students. (5 CCR 5591)

Qualifications and Training

The Superintendent or designee shall establish qualification criteria for all athletic coaches in accordance with law and district standards. These criteria shall ensure that coaches possess an appropriate level of competence, knowledge, and skill.

Any noncertificated employee or volunteer who works with students in a district-sponsored interscholastic athletic activity shall, prior to beginning the individual's duties, submit to the Superintendent or designee either an Activity Supervisor Clearance Certificate issued by the Commission on Teacher Credentialing or a Department of Justice and Federal Bureau of Investigation criminal background clearance. (Education Code 49024)

Following the selection of a temporary athletic team coach, the Superintendent or designee shall certify to the Board, at the next regular Board meeting or within 30 days, whichever is sooner, that the coach meets the qualifications and competencies required by 5 CCR 5593. By April 1 of each year, the Board shall certify to the State Board of Education that the provisions of 5 CCR 5593 have been met. (5 CCR 5594)

In addition, the Superintendent or designee shall regularly report to the Board regarding the extent to which the district's coaches have completed the trainings required by law, including those required pursuant to Education Code 33479.6, 35179.1, and 49032, and by district policy.

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

State References

- 5 CCR 5531
- 5 CCR 5590-5596
- Ed. Code 33479-33479.9
- Ed. Code 35179-35179.8
- Ed. Code 44010
- Ed. Code 44011

Description

- Supervision of extracurricular activities of students
- Duties of temporary athletic team coaches
- The Eric Parades Sudden Cardiac Arrest Prevention Act
- Interscholastic athletics
- Sex offense; definitions
- Controlled substance offense

State References

Ed. Code 44332-44332.5	<u>Temporary certificates</u>
Ed. Code 44424	<u>Conviction of a crime</u>
Ed. Code 44808	<u>Liability when students are not on school property</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45347	<u>Instructional aides subject to requirements for classified staff</u>
Ed. Code 45349	<u>Use of volunteers to supervise or instruct students</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Ed. Code 49030-49034	<u>Performance enhancing substances</u>
Ed. Code 49406	<u>TB risk assessment</u>
H&S Code 124238-124238.5	<u>Nevaeh Youth Sports Safety Act</u>

Description**Management Resources References**

California Interscholastic Federation Publication	<u>Pursuing Victory with Honor, 1999</u>
California Interscholastic Federation Publication	<u>California Interscholastic Federation Constitution and Bylaws</u>
Commission on Teacher Credentialing Publication	<u>Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), Coded Correspondence 10-11, July 20, 2010</u>
Court Decision	<u>CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627</u>
Court Decision	<u>Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911</u>
Court Decision	<u>Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187</u>
CSBA Publication	<u>Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016</u>
CSBA Publication	<u>Preventing Catastrophic Heat Illness, Governance Brief, July 2018</u>
Website	<u>Positive Coaching Alliance</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>National Athletic Trainers' Association</u>
Website	<u>California Interscholastic Federation</u>
Website	<u>California Athletic Trainers' Association</u>
Website	<u>Commission on Teacher Credentialing</u>
Website	<u>CSBA</u>
Website	<u>California Department of Education</u>

Description**Cross References**

1230	<u>School-Connected Organizations</u>
1230	<u>School-Connected Organizations</u>
1240	<u>Volunteer Assistance</u>
1240	<u>Volunteer Assistance</u>
4112.4	<u>Health Examinations</u>
4112.5	<u>Criminal Record Check</u>

Description

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4112.5-E(1)	<u>Criminal Record Check</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4212.4	<u>Health Examinations</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4312.4	<u>Health Examinations</u>
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4312.5-E(1)	<u>Criminal Record Check</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5131.1	<u>Bus Conduct</u>
5131.1	<u>Bus Conduct</u>
5131.63	<u>Steroids</u>
5131.63	<u>Steroids</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
6142.7	<u>Physical Education And Activity</u>
6142.7	<u>Physical Education And Activity</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>

Regulation 4327: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Qualifications

Minimum qualifications for temporary athletic team coaches shall include, but are not necessarily limited to, competencies in the following areas: (5 CCR 5593)

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached
 - d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

The Superintendent or designee may waive competency requirements for persons enrolled in appropriate training courses leading to acquisition of the competency, provided such persons serve under the direct supervision of a fully qualified coach until the competencies are met. (5 CCR 5593)

Volunteers who supervise or direct an athletic program shall meet the qualification criteria specified in 5 CCR 5593 required for temporary athletic team coaches employed by the district. Any volunteer who does not meet such criteria shall serve only under the supervision of a fully qualified coach and shall not be given charge of an athletic

program.

Additional Qualifications of Noncertificated Personnel and Volunteers

In addition to the qualifications listed above, any noncertificated employee or volunteer assigned as a temporary athletic team coach shall: (5 CCR 5592)

1. Be free from tuberculosis and any other contagious disease that would prohibit certificated teachers from teaching, as verified by a written statement, renewable every four years, from a licensed physician or other person approved by the district
2. Not have been convicted of any offense referred to in Education Code 44010, 44011, or 44424, or any offense involving moral turpitude or evidencing unfitness to associate with children

Any noncertificated employee or volunteer assigned as a temporary athletic team coach shall obtain an Activity Supervisor Clearance Certificate or a criminal background check in accordance with Board policy. (Education Code 49024)

Training

Each employee or volunteer high school athletic team coach shall complete, at the individual's expense, a coaching education program that meets the standards developed by CIF and includes, but is not limited to, training in regard to sport psychology, sport pedagogy, sport physiology, sport management, statewide and school regulations, CPR, including certification, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. A high school coach who has completed the education program in another California school district shall be deemed to have met the requirement for this district. An individual who has not completed the education program may be assigned as a coach for no longer than one season of interscholastic competition. (Education Code 35179.1, 49032)

In addition, prior to coaching an athletic activity and every two years thereafter, athletic coaches shall complete an approved training course on the nature and warning signs of sudden cardiac arrest. (Education Code 33479.2, 33479.6, 33479.7)

Code of Ethical Conduct

Employees providing supervisory or instructional services in interscholastic athletic activities shall: (5 CCR 5596)

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics

11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

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State References	Description
5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	<u>The Eric Parades Sudden Cardiac Arrest Prevention Act</u>
Ed. Code 35179-35179.8	<u>Interscholastic athletics</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44332-44332.5	<u>Temporary certificates</u>
Ed. Code 44424	<u>Conviction of a crime</u>
Ed. Code 44808	<u>Liability when students are not on school property</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44919	<u>Classification of temporary employees; classifications</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45347	<u>Instructional aides subject to requirements for classified staff</u>
Ed. Code 45349	<u>Use of volunteers to supervise or instruct students</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Ed. Code 49030-49034	<u>Performance enhancing substances</u>
Ed. Code 49406	<u>TB risk assessment</u>
H&S Code 124238-124238.5	<u>Nevaeh Youth Sports Safety Act</u>
Management Resources References	Description
California Interscholastic Federation Publication	<u>Pursuing Victory with Honor, 1999</u>
California Interscholastic Federation Publication	<u>California Interscholastic Federation Constitution and Bylaws</u>
Commission on Teacher Credentialing Publication	<u>Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), Coded Correspondence 10-11, July 20, 2010</u>
Court Decision	<u>CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627</u>
Court Decision	<u>Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911</u>
Court Decision	<u>Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187</u>
CSBA Publication	<u>Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016</u>
CSBA Publication	<u>Preventing Catastrophic Heat Illness, Governance Brief, July 2018</u>
Website	<u>Positive Coaching Alliance</u>

Management Resources References

Website	CSBA District and County Office of Education Legal Services
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

	Description
1230	School-Connected Organizations
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1240	Volunteer Assistance
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
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4212.5-E(1)	Criminal Record Check
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4312.4	Health Examinations
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4312.5-E(1)	Criminal Record Check
5121	Grades/Evaluation Of Student Achievement
5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.63	Steroids
5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity

Cross References

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6145.2

6145.2

DescriptionExtracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular ActivitiesAthletic CompetitionAthletic Competition

Policy 4361: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board shall provide for paid and unpaid leaves of absence for employees in accordance with law, Board policy, administrative regulation, collective bargaining agreements, and merit system rules, as applicable.

Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies
6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities
10. Compulsory leave
11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law
12. Bereavement

Long-Term Leaves

With Board approval, an employee may receive a leave of absence, without pay and without accruing seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated to a similar position as that employee held at the time leave was granted, unless otherwise agreed upon.

The Board shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Administrative and Supervisory Personnel

Certificated administrative and supervisory employees who are not subject to the district's bargaining agreement for certificated employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other certificated employees unless otherwise specified in individual contract, memorandums of understanding, Board policy, administrative regulation, or law.

Classified administrative and supervisory employees who are not subject to the district's bargaining agreement for classified employees shall generally be entitled to those leave provisions provided in the bargaining agreement for other classified employees unless otherwise specified in individual contract, memoranda of understanding, Board

policy, administrative regulation, or law.

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

State References

	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.21	California Family Rights Act
Gov. Code 12945.7	Bereavement leave
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment

Federal References

	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

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2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action

Cross References**Description**

4131	<u>Staff Development</u>
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4154	<u>Health And Welfare Benefits</u>
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4161.9	<u>Catastrophic Leave Program</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
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4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4231	<u>Staff Development</u>
4241	<u>Collective Bargaining Agreement</u>
4254	<u>Health And Welfare Benefits</u>
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4259	<u>Employee Assistance Programs</u>
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4300	<u>Administrative And Supervisory Personnel</u>
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4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4331	<u>Staff Development</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
4359	<u>Employee Assistance Programs</u>
4361.1	<u>Personal Illness/Injury Leave</u>

Cross References

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DescriptionIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4361: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

Failure to Return to Service After Leave

The district may terminate the employment of a certificated employee who was on leave of absence for 20 or more consecutive working days after April 30 of the previous school year if all of the following circumstances exist: (Education Code 44842)

1. The employee fails to report for duty, without good cause, at the beginning of the school year after having notified the Governing Board of the intention to remain in service with the district in accordance with Education Code 44842
2. The district had specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work
3. The employee continues to be absent from work for 20 consecutive working days, beginning from the date the employee was to report to work.
4. The employee did not request or was not granted a leave of absence authorized by the Board

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (Education Code 45200)

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

State References	Description
Ed. Code 22850-22856	<u>Pension benefits; STRS members on military leave</u>
Ed. Code 44018	<u>Compensation for employees on active military duty</u>
Ed. Code 44036-44037	<u>Leaves of absence for judicial and official appearances</u>
Ed. Code 44043.5	<u>Catastrophic leave</u>
Ed. Code 44800	<u>Effect of active military service on status of employees</u>
Ed. Code 44842	<u>Reemployment notices; certificated employees</u>
Ed. Code 44940	<u>Compulsory leave of absence for certificated persons</u>
Ed. Code 44962-44988	<u>Leave of absence; certificated</u>
Ed. Code 45059	<u>Employee ordered to active military/naval duty; computation of salary</u>
Ed. Code 45190-45210	<u>Leaves of absence; classified</u>
Fam. Code 297-297.5	<u>Rights, protections, benefits under the law; registered domestic partners</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Gov. Code 20990-21013	<u>Pension benefits; PERS members on military leave</u>
Gov. Code 3543.1	<u>Rights of employee organizations</u>
Gov. Code 3543.2	<u>Scope of representation</u>
Lab. Code 230-230.2	<u>Leaves for victims of domestic violence, sexual assault or specified felonies</u>
Lab. Code 230.3	<u>Leave for emergency personnel</u>

State References

Lab. Code 230.4
 Lab. Code 230.8
 Lab. Code 233
 M&V Code 395-395.9
 M&V Code 395.10

Federal References

29 USC 2601-2654
 38 USC 4301-4334

Management Resources References

Website

Cross References

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Description

Leave for volunteer firefighters
Time off to visit child's school
Leave to attend to family illness
Military leave
Leave when spouse on leave from military deployment

Description

Family Care and Medical Leave Act
 Uniformed Services Employment and Reemployment Rights Act of 1994

Description

CSBA District and County Office of Education Legal Services

Description

Superintendent's Contract
Contracts
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Staff Development
Collective Bargaining Agreement
Health And Welfare Benefits
Health And Welfare Benefits
Employee Assistance Programs
Personal Illness/Injury Leave
Industrial Accident/Illness Leave
Personal Leaves
Professional Leaves
Military Leave
Family Care And Medical Leave
Catastrophic Leave Program
Catastrophic Leave Program
Drug And Alcohol Testing For School Bus Drivers
Drug And Alcohol Testing For School Bus Drivers
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Staff Development
Collective Bargaining Agreement
Health And Welfare Benefits
Health And Welfare Benefits

Cross References

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DescriptionEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesProfessional LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave ProgramAdministrative And Supervisory PersonnelAdministrative And Supervisory PersonnelContractsDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversStaff DevelopmentHealth And Welfare BenefitsHealth And Welfare BenefitsEmployee Assistance ProgramsPersonal Illness/Injury LeaveIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4361.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 03/01/2017 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The following administrative regulation applies to classified employees, including classified management. For certificated employees, including certificated management, see Administrative Regulation 4161.1/4361.1 – Personal Illness/Injury Leave.

Certificated employees employed five school days per week are entitled to 10 days leave of absence with full pay for personal illness or injury (sick leave) per school year of service. Employees who work less than five school days per week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employees who are entitled to less than three days of paid sick leave per year due to the amount of time worked shall be granted sick leave pursuant to Labor Code 246, if they are eligible. (Education Code 44978; Labor Code 245-249)

Use of Sick Leave

A certificated employee may use sick leave for absences as authorized by law and/or collective bargaining agreement, including, but not limited to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)
2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 44965, 44978; Government Code 12945.6)
3. Personal necessity (Education Code 44981)
4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)
6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)
7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)
9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves (Education Code 44985; Government Code 12945.7)

For the purposes specified in Items #7-8, an employee may use, in any calendar year, the amount of sick leave that would be accrued during six months at the employee's then current rate of entitlement. (Labor Code 233)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (Education Code 44978)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 44978)

An employee shall reimburse the district for any unearned sick leave used as of the date of termination, in accordance with Education Code 44042.5.

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

The district shall not require new employees to waive leave accumulated in a previous district. (Education Code 44979, 44980)

The Superintendent or designee shall notify any certificated employee who leaves the district after at least one school year of employment that if the employee accepts a certificated position in another district, county office of education, or community college district within one year, the employee may request that the district transfer any accumulated sick leave to the new employer. (Education Code 44979, 44980)

Additional Leave for Disabled Military Veterans

In addition to any other entitlement for sick leave with pay, a certificated employee who is a former active duty member of the U.S. Armed Forces or a former or current member of the California National Guard or a federal reserve component shall be entitled to sick leave with pay of up to 10 days for the purpose of undergoing medical treatment, including mental health treatment, for a military service-connected disability rated at 30 percent or more by the U.S. Department of Veterans Affairs. An eligible employee who works less than five days per week shall be entitled to such leave in proportion to the time worked. (Education Code 44978.2)

The amount of leave shall be credited to the employee either on the date the employee receives confirmation of the submission of the disability application to the U.S. Department of Veterans Affairs or on the first day the employee begins or returns to employment after active duty, whichever is later. When the employee receives the disability rating decision, the employee shall report that information to the Superintendent or designee. If the disability rating decision makes the employee eligible for the leave, the time used before the decision shall be counted toward the 10-day maximum leave. If the disability rating decision makes the employee ineligible for the leave, the district may change the sick leave time used before the disability rating decision to an alternative leave balance. (Education Code 44978.2)

The Superintendent or designee may require verification, in accordance with the section "Verification Requirements" below, that the employee used the leave to obtain treatment of a military service-connected disability.

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

An employee shall notify the Superintendent or designee of the need to be absent as soon as such need is known, so that substitute services may be secured. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which the employee intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

OPTION 1: (Differential pay: regular salary minus cost of substitute)

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the

employee's salary. (Education Code 44977)

An employee shall not be provided more than one five-month period per illness or accident. However, if the school year ends before the five-month period is exhausted, the employee may take the balance of the five-month period in a subsequent school year. (Education Code 44977)

OPTION 1 ENDS HERE

OPTION 2: (50 percent of employee's regular salary)

After a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five months, the employee shall receive at least 50 percent of the employee's regular salary during the additional period of absence. (Education Code 44983)

OPTION 2 ENDS HERE

Absence Beyond Five-Month Period/Reemployment List

If a certificated employee is not medically able to return to work after the five-month period provided pursuant to Education Code 44977, the employee shall be placed either in another position or on a reemployment list. Placement on the reemployment list shall be for 24 months for probationary employees or 39 months for permanent employees and shall begin at the expiration of the five-month period. If during this time the employee becomes medically able, the employee shall be returned to employment in a position for which the employee is credentialed and qualified. (Education Code 44978.1)

Parental Leave

During each school year, a certificated employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 44977.5)

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 44977.5)

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 44977.5)

Parental leave taken pursuant to Education Code 44977.5 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 44977.5; Government Code 12945.2, 12945.6)

Verification Requirements

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

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny further

leave.

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information. Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and not be disclosed except in accordance with 29 CFR 1635.9.

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

Healthy Workplaces, Healthy Families Act Requirements

No employee shall be denied the right to use accrued sick days, and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee
2. Provide at least 40 hours or five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

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

State References

5 CCR 5601

Ed. Code 44042.5

Ed. Code 44964

Ed. Code 44965

Ed. Code 44976

Ed. Code 44977

Ed. Code 44977.5

Description

Transfer of accumulated sick leave

Wage overpayment

Power to grant leaves of absence for accident, illness, or quarantine

Granting of leaves of absence for pregnancy and childbirth

Transfer of leave rights when school is transferred to another district

Salary schedule for substitute employees

Differential pay during parental leave up to 12 weeks after sick leave is exhausted

State References

Ed. Code 44978	<u>Sick leave; certificated employees</u>
Ed. Code 44978.1	<u>Inability to return to duty; placement in another position or on reemployment list</u>
Ed. Code 44978.2	<u>Leave for military service-connected disability</u>
Ed. Code 44979	<u>Transfer of accumulated sick leave to another district</u>
Ed. Code 44980	<u>Transfer of accumulated sick leave to a county office of education</u>
Ed. Code 44981	<u>Leave of absence for personal necessity</u>
Ed. Code 44983	<u>Compensation during leave; certificated employees</u>
Ed. Code 44984	<u>Required rules for industrial accident and illness leave</u>
Ed. Code 44985	<u>Leave of absence due to death in immediate family; certificated</u>
Ed. Code 44986	<u>Leave of absence; state disability benefits</u>
Ed. Code 45194	<u>Bereavement leave of absence; classified</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.6	<u>Reproductive loss leave</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Lab. Code 220	<u>Sections inapplicable to public employees</u>
Lab. Code 230	<u>Accommodations and leave for victims of domestic violence</u>
Lab. Code 230.1	<u>Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off</u>
Lab. Code 233	<u>Leave to attend to family illness</u>
Lab. Code 234	<u>Absence control policy</u>
Lab. Code 245-249	<u>Healthy Workplaces, Healthy Families Act of 2014</u>

Federal References

20 USC 1681-1688	<u>Title IX of the Education Amendments of 1972; discrimination based on sex</u>
29 CFR 1635.1-1635.12	<u>Genetic Information Nondiscrimination Act of 2008</u>
29 CFR 825.100-825.702	<u>Family and Medical Leave Act of 1993</u>
29 USC 2601-2654	<u>Family Care and Medical Leave Act</u>
34 CFR 106.1-106.82	<u>Discrimination on the basis of sex; effectuating Title IX</u>
42 USC 2000ff-2000ff-11	<u>Genetic Information Nondiscrimination Act of 2008</u>

Management Resources References

Court Decision	<u>Veguez v. Governing Board of Long Beach Unified School District (2005) 127 Cal.App.4th 406</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>

Cross References

2121	<u>Superintendent's Contract</u>
4032	<u>Reasonable Accommodation</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>

Cross References**Description**

4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113.4	Temporary Modified/Light-Duty Assignment
4113.5	Working Remotely
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.11	Preretirement Part-Time Employment
4119.41	Employees With Infectious Disease
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157.1	Work-Related Injuries
4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257.1	Work-Related Injuries
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves

Cross References

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DescriptionIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave ProgramDrug And Alcohol Testing For School Bus DriversDrug And Alcohol Testing For School Bus DriversEmployee NotificationsEmployee NotificationsTemporary Modified/Light-Duty AssignmentWorking RemotelyPreretirement Part-Time EmploymentEmployees With Infectious DiseaseHealth And Welfare BenefitsHealth And Welfare BenefitsWork-Related InjuriesEmployee Assistance ProgramsLeavesLeavesIndustrial Accident/Illness LeavePersonal LeavesMilitary LeaveFamily Care And Medical LeaveCatastrophic Leave ProgramCatastrophic Leave Program

Regulation 4361.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

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

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 five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194.

"Immediate family" means a parent, parent-in-law, grandparent, or grandchild of the employee or of the spouse of the employee, and the spouse, domestic partner, child, child-in-law, sibling, or sibling-in-law of the employee, or any relative living in the immediate household of the employee. (Education Code 44985, 45194; Government Code 12945.7)

No deduction shall be made from the employee's salary for any authorized paid bereavement leave as specified in the collective bargaining agreement or as otherwise established by this policy, nor shall such leave be deducted from any other leave to which the employee is entitled unless requested by the employee. (Education Code 44985, 45194; Government Code 12945.7)

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)

Reproductive Loss

Upon request by any employee who has experienced a reproductive loss event, defined as the day or, for a multiple-day event, the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or an unsuccessful assisted reproduction, the district shall grant the employee up to five days of reproductive loss leave, to be taken consecutively or non-consecutively. The employee shall take the leave within three months following the event. If the employee is on another type of leave at the time of the reproductive loss event, or chooses to take another type of leave immediately following a reproductive loss event, then the reproductive loss leave shall be completed within three months of the end date of the other leave. (Government Code 12945.6)

Reproductive loss leave will be unpaid unless the employee chooses to use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. (Government Code 12945.6)

Any request or inquiry or information provided by an employee related to reproductive loss leave and/or a reproductive loss shall remain confidential, except to internal personnel or counsel as necessary or as required by law.

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; Government Code 12945.7)
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; Government Code 12945.2; 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)

A certificated employee shall be granted leave with pay to appear in court as a witness other than as a litigant or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. 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 written 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)

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 8	Religious discrimination
Ed. Code 44036-44037	<u>Leaves of absence for judicial and official appearances</u>
Ed. Code 44963	<u>Power to grant leaves of absence; certificated</u>
Ed. Code 44981	<u>Leave of absence for personal necessity</u>
Ed. Code 44985	<u>Leave of absence due to death in immediate family; certificated</u>
Ed. Code 44987	<u>Service as officer of employee organization; certificated</u>
Ed. Code 44987.3	<u>Leave of absence to serve on certain boards, commissions, etc.</u>
Ed. Code 45190	<u>Resignation and leaves of absence</u>
Ed. Code 45194	<u>Bereavement leave of absence; classified</u>
Ed. Code 45198	<u>Effect of provisions authorizing leaves of absence</u>
Ed. Code 45207	<u>Personal necessity; classified</u>
Ed. Code 45210	<u>Service as officer of employee organization; classified</u>
Ed. Code 45240-45320	<u>Merit system</u>
Evid. Code 1035.2	<u>Sex assault counselor; definition</u>
Evid. Code 1037.1	<u>Domestic violence counselor; definition</u>
Fam. Code 297-297.5	<u>Rights, protections, benefits under the law; registered domestic partners</u>
Gov. Code 12945.1-12945.21	<u>California Family Rights Act</u>
Gov. Code 12945.6	<u>Reproductive loss leave</u>
Gov. Code 12945.7	<u>Bereavement leave</u>
Gov. Code 3543.1	<u>Rights of employee organizations</u>
Lab. Code 1500-1507	<u>Civil Air Patrol leave</u>
Lab. Code 230-230.2	<u>Leaves for victims of domestic violence, sexual assault or specified felonies</u>
Lab. Code 230.3	<u>Leave for emergency personnel</u>

State References

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
 Website
 Website
 Website
 Website
 Website

Cross References

2121
 4112.9
 4112.9-E(1)
 4121
 4121
 4140
 4141.6
 4141.6
 4143
 4158
 4158
 4161
 4161
 4161.1
 4161.8
 4212.9
 4212.9-E(1)

Description

Leave for volunteer firefighters
Time off to visit child's school
Leave to attend to family illness
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
California Department of Industrial Relations
California Federation of Teachers
California Public Employment Relations Board
California School Employees Association
California Teachers Association

Description

Superintendent's Contract
Employee Notifications
Employee Notifications
Temporary/Substitute Personnel
Temporary/Substitute Personnel
Bargaining Units
Concerted Action/Work Stoppage
Concerted Action/Work Stoppage
Negotiations/Consultation
Employee Security
Employee Security
Leaves
Leaves
Personal Illness/Injury Leave
Family Care And Medical Leave
Employee Notifications
Employee Notifications

Cross References	Description
4240	<u>Bargaining Units</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4241.6	<u>Concerted Action/Work Stoppage</u>
4243	<u>Negotiations/Consultation</u>
4258	<u>Employee Security</u>
4258	<u>Employee Security</u>
4261	<u>Leaves</u>
4261	<u>Leaves</u>
4261.1	<u>Personal Illness/Injury Leave</u>
4261.8	<u>Family Care And Medical Leave</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4340	<u>Bargaining Units</u>
4358	<u>Employee Security</u>
4358	<u>Employee Security</u>
4361	<u>Leaves</u>
4361	<u>Leaves</u>
4361.1	<u>Personal Illness/Injury Leave</u>
4361.8	<u>Family Care And Medical Leave</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>

Policy 5113: Absences And Excuses

Status: ADOPTED

Original Adopted Date: 11/01/1999 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

The Governing Board believes that regular attendance plays an important role in student achievement. The Board shall work with parents/guardians and students to ensure their compliance with all state attendance laws and may use appropriate legal means to correct problems of chronic absence or truancy.

In accordance with law, Board policy, and administrative regulation, absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons as specified in Education Code 48205, and work in the entertainment or allied industry as permitted pursuant to Education Code 48225.5.

When a student's absence from school is excused, the student's teacher shall determine identical or reasonably equivalent assignments and tests to those missed during the absence which the student shall be permitted to complete for full credit within a reasonable amount of time as determined by the teacher. (Education Code 48205, 48225.5)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to law and administrative regulation. (Education Code 46014)

Inasmuch as school attendance and class participation are integral to students' learning experiences, parents/guardians and students shall be encouraged to schedule medical and other appointments during non-school hours.

Students shall not be absent from school without their parents/guardians' knowledge or consent, except in cases of medical emergency or, as authorized pursuant to Education Code 46010.1, for a confidential medical appointment.

The Board shall, by resolution entered into its minutes, approve reasonable methods that may be used to verify student absences due to illness or quarantine. (5 CCR 421)

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 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	<u>Employment of personnel to supervise attendance</u>
Ed. Code 37201	<u>School month</u>
Ed. Code 37223	<u>Weekend classes</u>
Ed. Code 41601	<u>Reports of average daily attendance</u>
Ed. Code 42238-42250.1	<u>Apportionments</u>
Ed. Code 46000	<u>Attendance records</u>
Ed. Code 46010-46015	<u>Absences</u>
Ed. Code 46110-46120	<u>Attendance in kindergarten and elementary schools</u>
Ed. Code 46140-46148	<u>Attendance in junior high and high schools</u>
Ed. Code 48200-48208	<u>Children ages 6-18; compulsory full-time attendance</u>
Ed. Code 48210-48216	<u>Exclusions from attendance</u>
Ed. Code 48225.5	<u>Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization</u>

State References

Ed. Code 48240-48246
 Ed. Code 48260-48273
 Ed. Code 48292
 Ed. Code 48320-48324
 Ed. Code 48340-48341
 Ed. Code 48980
 Ed. Code 49067
 Ed. Code 49701
 Elec. Code 12302
 Fam. Code 6920-6930
 W&I Code 11253.5
 W&I Code 601-601.5

Description

Supervisors of attendance
 Truants
 Filing complaint against parent
 School attendance review boards
 Improvement of student attendance
 Parent/Guardian notifications
 Unexcused absences as cause of failing grade
 Provisions of the Interstate Compact on Educational Opportunities for Military Children
 Student participation on precinct boards
 Consent by minor for medical treatment
 Compulsory school attendance; eligibility for aid
 Habitually truant minors

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Court Decision
 CSBA Publication
 Website
 Website

Description

66 Ops.Cal.Atty.Gen. 244 (1983)
 87 Ops.Cal.Atty.Gen. 168 (2004)
 American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
 Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024
 CSBA District and County Office of Education Legal Services
 CSBA

Cross References

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 0450
 3516
 3516
 4119.41
 4219.41
 4319.41
 5000
 5020
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 5112.1
 5112.1
 5112.2
 5112.5
 5113.1
 5113.1
 5113.11
 5113.12

Description

Comprehensive Safety Plan
Comprehensive Safety Plan
Emergencies And Disaster Preparedness Plan
Emergencies And Disaster Preparedness Plan
Employees With Infectious Disease
Employees With Infectious Disease
Employees With Infectious Disease
Concepts And Roles
Parent Rights And Responsibilities
Parent Rights And Responsibilities
Exemptions From Attendance
Exemptions From Attendance
Exclusions From Attendance
Open/Closed Campus
Chronic Absence And Truancy
Chronic Absence And Truancy
Attendance Supervision
District School Attendance Review Board

Cross References

5113.12

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5131.4

5131.4

5141.21

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5144.1

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DescriptionDistrict School Attendance Review BoardGrades/Evaluation Of Student AchievementGrades/Evaluation Of Student AchievementConductStudent DisturbancesStudent DisturbancesAdministering Medication And Monitoring Health ConditionsAdministering Medication And Monitoring Health ConditionsInfectious DiseasesInfectious DiseasesHead LiceSuspension And Expulsion/Due ProcessSuspension And Expulsion/Due ProcessParent/Guardian NotificationsParent/Guardian NotificationsMarried/Pregnant/Parenting StudentsDropout PreventionParent InvolvementParent InvolvementSchool CalendarSchool DaySchool DayRecognition Of Religious Beliefs And CustomsRecognition Of Religious Beliefs And CustomsExtracurricular And Cocurricular ActivitiesExtracurricular And Cocurricular ActivitiesHomework/Makeup WorkIndependent StudyIndependent StudyGuidance/Counseling ServicesEducation Of Children Of Military FamiliesEducation Of Children Of Military FamiliesWeekend/Saturday ClassesSummer Learning ProgramsHome And Hospital InstructionContinuation EducationContinuation EducationCommunity Day SchoolCommunity Day School

Regulation 5113: Absences And Excuses

Status: ADOPTED

Original Adopted Date: 11/01/2011 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic service or appointment (Education Code 48205)
4. Attendance at funeral services for or grieving the death of a member of the student's immediate family or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family (Education Code 48205)

A student may be excused for this reason for up to five days for each incident. (Education Code 48205)

5. Jury duty in the manner provided for by law (Education Code 48205)
6. Illness or medical appointment of a child to whom the student is the custodial parent (Education Code 48205)
7. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. Attendance or appearance in court
 - b. Attendance at a funeral service
 - c. Observance of a religious holiday or ceremony
 - d. Attendance at religious retreats for no more than one school day each semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization
8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)
9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)
10. Attendance at the student's naturalization ceremony to become a United States citizen (Education Code 48205)
11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people (Education Code 48205)
12. For a middle school or high school student, engagement in a civic or political event, provided that the student

notifies the school ahead of the absence (Education Code 48205)

Unless otherwise permitted by the Superintendent or designee, students shall be limited to one such school day-long absence each school year (Education Code 48205)

13. When a student's immediate family member or, as determined by the student's parent/guardian, a person so closely associated with the student as to be considered the student's immediate family has died: (Education Code 48205)
 - a. To access services from a victim services organization or agency
 - b. To access grief support services
 - c. To participate in safety planning or take other actions, including, but not limited to, temporary or permanent relocation, to increase the safety of the student, an immediate family member of the student, or a person determined by the student's parent/guardian to be in such close association with the student as to be considered immediate family.

Such absence shall be excused for not more than three days for each incident. (Education Code 48205)

14. Participation in religious exercises or to receive moral and religious instruction at the student's place of worship or other suitable place away from school property as designated by the religious group, church, or denomination (Education Code 46014)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in Administrative Regulation 6112 - School Day, and is not excused from school for this purpose on more than four days each school month. (Education Code 46014)

15. For a student who holds a work permit authorizing work in the entertainment or allied industries for a period of not more than five consecutive days, work in such industry (Education Code 48225.5)

For this purpose, student absence shall be excused for a maximum of up to five absences each school year. (Education Code 48225.5)"

16. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences each school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

17. Other reasons authorized at the discretion of the principal or designee based on the student's specific circumstances (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, sibling, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, either in person or by written note, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the principal or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify student absences:

1. Written, digital, or audio message from parent/guardian or parent representative
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative

The employee shall subsequently record the following:

- a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated

The employee shall document the verification and include the information specified in Item #2 above.

4. Physician's verification
 - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment
 - b. If a student shows a pattern of chronic absenteeism due to illness, district staff may require physician verification of any further student absences

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)
2. Notify students in grades 7-12 and the parents/guardians of all students enrolled in the district that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)
3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time (Education Code 48980)

Such notice shall include the full text of Education Code 48205. (Education Code 48980)

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

State References	Description
5 CCR 306	Explanation of absence
5 CCR 420-424	Record of verification of absence due to illness and other causes
Ed. Code 1740	<u>Employment of personnel to supervise attendance</u>

State References

Ed. Code 37201
 Ed. Code 37223
 Ed. Code 41601
 Ed. Code 42238-42250.1
 Ed. Code 46000
 Ed. Code 46010-46015
 Ed. Code 46110-46120
 Ed. Code 46140-46148
 Ed. Code 48200-48208
 Ed. Code 48210-48216
 Ed. Code 48225.5
 Ed. Code 48240-48246
 Ed. Code 48260-48273
 Ed. Code 48292
 Ed. Code 48320-48324
 Ed. Code 48340-48341
 Ed. Code 48980
 Ed. Code 49067
 Ed. Code 49701
 Elec. Code 12302
 Fam. Code 6920-6930
 W&I Code 11253.5
 W&I Code 601-601.5

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Court Decision
 CSBA Publication
 Website
 Website

Cross References

0450
 0450
 3516
 3516
 4119.41
 4219.41

Description

School month
Weekend classes
Reports of average daily attendance
Apportionments
Attendance records
Absences
Attendance in kindergarten and elementary schools
Attendance in junior high and high schools
Children ages 6-18; compulsory full-time attendance
Exclusions from attendance
Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization
Supervisors of attendance
Truants
Filing complaint against parent
School attendance review boards
Improvement of student attendance
Parent/Guardian notifications
Unexcused absences as cause of failing grade
Provisions of the Interstate Compact on Educational Opportunities for Military Children
Student participation on precinct boards
Consent by minor for medical treatment
Compulsory school attendance; eligibility for aid
Habitually truant minors

Description

66 Ops.Cal.Atty.Gen. 244 (1983)
 87 Ops.Cal.Atty.Gen. 168 (2004)
 American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
 Seize the Data: Using Chronic Absence Data to Drive Student Engagement, March 2024
 CSBA District and County Office of Education Legal Services
 CSBA

Description

Comprehensive Safety Plan
Comprehensive Safety Plan
Emergencies And Disaster Preparedness Plan
Emergencies And Disaster Preparedness Plan
Employees With Infectious Disease
Employees With Infectious Disease

Cross References**Description**

4319.41	<u>Employees With Infectious Disease</u>
5000	<u>Concepts And Roles</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5112.1	<u>Exemptions From Attendance</u>
5112.1	<u>Exemptions From Attendance</u>
5112.2	<u>Exclusions From Attendance</u>
5112.5	<u>Open/Closed Campus</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.11	<u>Attendance Supervision</u>
5113.12	<u>District School Attendance Review Board</u>
5113.12	<u>District School Attendance Review Board</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5131	<u>Conduct</u>
5131.4	<u>Student Disturbances</u>
5131.4	<u>Student Disturbances</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.22	<u>Infectious Diseases</u>
5141.22	<u>Infectious Diseases</u>
5141.33	<u>Head Lice</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5147	<u>Dropout Prevention</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6111	<u>School Calendar</u>
6112	<u>School Day</u>
6112	<u>School Day</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6141.2	<u>Recognition Of Religious Beliefs And Customs</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6154	<u>Homework/Makeup Work</u>
6158	<u>Independent Study</u>

Cross References

6158

6164.2

6173.2

6173.2

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DescriptionIndependent StudyGuidance/Counseling ServicesEducation Of Children Of Military FamiliesEducation Of Children Of Military FamiliesWeekend/Saturday ClassesSummer Learning ProgramsHome And Hospital InstructionContinuation EducationContinuation EducationCommunity Day SchoolCommunity Day School

Policy 5145.6: Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2007 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

The Governing Board desires to promote effective communication from the district and/or school to families to keep families informed regarding educational programs, school operations, and the legal rights of students and parents/guardians. The Superintendent or designee shall send parents/guardians all notifications required by law and any other notifications the Superintendent or designee believes will promote familial understanding and involvement.

Notice of the rights and responsibilities of parents/guardians as specified in Education Code 48980 shall be sent at the beginning of each academic year and may be provided by regular mail, in electronic form when so requested by the parent/guardian, or by any other method normally used by the district for written communication with parents/guardians. (Education Code 48981)

No activity specified in Education Code 48980 shall be undertaken with respect to any particular student unless the student's parent/guardian has been informed of such action through the annual notification or other separate special notification. Such notice shall state the activity that will be undertaken and the approximate date on which the activity will occur. (Education Code 48983-48984)

The annual notification shall include a request that the parent/guardian sign the notice and return it to the school or, if the notice is provided in electronic format, that the parent/guardian submit a signed acknowledgment of receipt of the notice to the school. The parent/guardian's signature is not required. Any signature is an acknowledgment of receipt of the information but does not indicate that consent to participate in any particular program has been given or withheld. (Education Code 48982)

Whenever a student enrolls in a district school during the school year, the student's parents/guardians shall be given all required parental notifications at that time.

Notifications shall be presented in an understandable and uniform format.

When necessary, the district shall provide notifications to qualified individuals with disabilities in alternative formats, such as braille, large front, or audio recordings, to enable such individuals to effectively participate in any program, service, or activity, as required by law.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices sent to the parent/guardian of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language. (Education Code 48981, 48985)

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

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
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results

State References

5 CCR 11523
5 CCR 17782
5 CCR 17783
5 CCR 18066
5 CCR 18094-18095
5 CCR 18114
5 CCR 18118-18119
5 CCR 3052
5 CCR 4622
5 CCR 4631
5 CCR 4917
5 CCR 852
5 CCR 863
Civ. Code 1798.29
Ed. Code 17288
Ed. Code 17612
Ed. Code 221.5
Ed. Code 231.5
Ed. Code 234.1
Ed. Code 234.7
Ed. Code 262.3
Ed. Code 310
Ed. Code 313
Ed. Code 313.2
Ed. Code 32221.5
Ed. Code 32255-32255.6
Ed. Code 32390
Ed. Code 33479-33479.9
Ed. Code 35160.5
Ed. Code 35178.4
Ed. Code 35182.5
Ed. Code 35183
Ed. Code 35186
Ed. Code 35211
Ed. Code 35256
Ed. Code 35258
Ed. Code 35291
Ed. Code 35292.6
Ed. Code 37616

Description

Notice of proficiency examinations
Notice of Action; application for services
Notice of Action; recipient of services
Child care policies regarding excused and unexcused absences
Notice of Action; child care services
Notice of delinquent fees; child care services
Notice of Action; child care services
Behavioral intervention
Uniform complaint procedures
Uniform complaint procedures; notification of decision and right to appeal
Notification of sexual harassment policy
Exemptions from state assessments
Reports of state assessment results
District records; breach of security
Building standards for university campuses
Notification of pesticide use
Equal opportunity
Sexual harassment policy
Student protections relating to discrimination, harassment, intimidation, and bullying
Student protections relating to immigration and citizenship status
Appeals for discrimination complaints; information regarding availability of civil remedies
Language acquisition programs
Reclassification of English learners; parental consultation
Long-term English learner; notification
Insurance for athletic team members
Student's right to refrain from harmful or destructive use of animals
Voluntary program for fingerprinting students
The Eric Parades Sudden Cardiac Arrest Prevention Act
Extracurricular and cocurricular activities
Notice of accreditation status
Advertising in the classroom
School dress code; uniforms
Complaints concerning deficiencies in instructional materials and facilities
Driver training; district insurance, parent/guardian liability
School Accountability Report Card
School Accountability Report Card
Rules for student discipline
School maintenance
Consultation regarding year-round schedule

State References

Ed. Code 39831.5
Ed. Code 41329
Ed. Code 440
Ed. Code 44050
Ed. Code 44808.5
Ed. Code 46010.1
Ed. Code 46014
Ed. Code 46015
Ed. Code 46162
Ed. Code 46600-46611
Ed. Code 48000
Ed. Code 48070.5
Ed. Code 48204
Ed. Code 48205
Ed. Code 48206.3
Ed. Code 48207-48208
Ed. Code 48213
Ed. Code 48216
Ed. Code 48260.5
Ed. Code 48262
Ed. Code 48263
Ed. Code 48301
Ed. Code 48412
Ed. Code 48432.3
Ed. Code 48432.5
Ed. Code 48850-48859
Ed. Code 48900.1
Ed. Code 48904
Ed. Code 48904-48904.3
Ed. Code 48906
Ed. Code 48911
Ed. Code 48911.1
Ed. Code 48912
Ed. Code 48915.1
Ed. Code 48916
Ed. Code 48918
Ed. Code 48929
Ed. Code 48980
Ed. Code 48980.3

Description

School bus rider rules and information
School closures and consolidation
English language proficiency assessment; instruction in English language development
Employee code of conduct; interaction with students
Permission to leave school grounds
Notice regarding excuse to obtain confidential medical services
Regulations regarding absences for religious purposes
Accommodations for pregnant and parenting pupils
Alternative schedule for junior high and high school; public hearing with notice
Interdistrict attendance agreements
Minimum age of admission
Promotion and retention of students
Residency requirements
Absence for personal reasons
Students with temporary disabilities; individual instruction; definitions
Students with temporary disabilities in hospitals
Prior notice of exclusion from attendance
Immunization and exclusion from attendance
Notice regarding truancy
Need for parent conference regarding truancy
Referral to school attendance review board or probation department
Interdistrict transfers
Certificate of proficiency
Voluntary enrollment in continuation education
Involuntary transfers of students
Education of foster youth and homeless students
Parental attendance required after suspension
Liability of parent/guardian for willful student misconduct
Withholding grades, diplomas, or transcripts
Notification of release of student to peace officer
Notification in case of suspension
Assignment to supervised suspension classroom
Closed sessions; consideration of suspension
Expelled students; enrollment in another district
Readmission procedures
Rules governing expulsion procedures
Transfer of student convicted of violent felony or misdemeanor
Parent/Guardian notifications
Notification of pesticide use

State References

Ed. Code 48980.4
Ed. Code 48981
Ed. Code 48982
Ed. Code 48983
Ed. Code 48984
Ed. Code 48985
Ed. Code 48985.5
Ed. Code 48986
Ed. Code 48987
Ed. Code 49013
Ed. Code 49063
Ed. Code 49067
Ed. Code 49068
Ed. Code 49069.7
Ed. Code 49070
Ed. Code 49073
Ed. Code 49073.6
Ed. Code 49076
Ed. Code 49077
Ed. Code 49392
Ed. Code 49403
Ed. Code 49423
Ed. Code 49451
Ed. Code 49452.5
Ed. Code 49452.6
Ed. Code 49452.7
Ed. Code 49452.8
Ed. Code 49455.5
Ed. Code 49456
Ed. Code 49471-49472
Ed. Code 49475
Ed. Code 49476
Ed. Code 49480
Ed. Code 49510-49520
Ed. Code 51225.1
Ed. Code 51225.2
Ed. Code 51225.3
Ed. Code 51225.31
Ed. Code 51225.8

Description

Notice regarding full human papillomavirus (HPV) immunization
Time and means of notification
Parent signature acknowledging receipt of notice
Contents of notice
Activities prohibited unless notice given
Notices to parents in language other than English
Synthetic drug use
Safe storage of firearms
Child abuse information
Use of uniform complaint procedures for complaints regarding student fees
Notification of parental rights
Student evaluation; student in danger of failing course
Transfer of permanent enrollment and scholarship record
Absolute right to access
Challenging content of student record
Release of directory information
Student records; social media
Access to student records
Access to information concerning a student in compliance with court order
Threats of homicide at school
Cooperation in control of communicable disease and immunizations
Administration of prescribed medication for student
Physical examinations: parent's refusal to consent
Screening for scoliosis
Type 1 diabetes informational materials
Information on type 2 diabetes
Oral health assessment
Eye examination for purpose of eyeglasses
Results of vision or hearing test
Insurance
Student athletes; concussions and head injuries
Student athletes; opioid fact sheet
Continuing medication regimen for nonepisodic conditions
Duffy-Moscone Family Nutrition Education and Services Act of 1970
Exemption from district graduation requirements
Course credits
High school graduation requirements
Graduation from high school; exemption for eligible students with special needs
Completion and submission of FAFSA and CADAA

State References

Ed. Code 51229
Ed. Code 51513
Ed. Code 51749.5
Ed. Code 51938
Ed. Code 52062
Ed. Code 52164
Ed. Code 52164.1
Ed. Code 52164.3
Ed. Code 52242
Ed. Code 54444.2
Ed. Code 56301
Ed. Code 56321
Ed. Code 56321.5-56321.6
Ed. Code 56329
Ed. Code 56341.1
Ed. Code 56341.5
Ed. Code 56343.5
Ed. Code 56366.45
Ed. Code 56521.1
Ed. Code 58501
Ed. Code 60615
Ed. Code 60641
Ed. Code 60900.5
Ed. Code 69432.9
Ed. Code 8212
Ed. Code 8483
Ed. Code 8489
Ed. Code 8489.1
H&S Code 104420
H&S Code 104855
H&S Code 116277
H&S Code 120365-120375
H&S Code 120440
H&S Code 124100-124105
H&S Code 1596.8555
H&S Code 1596.857
H&S Code 1597.16
Pen. Code 626.81

Description

Course of study for grades 7-12
Personal beliefs; privacy
Independent study
HIV/AIDS and sexual health instruction
Local control and accountability plans and the statewide system of support
Language census
Census-taking methods; determination of primary language; assessment of language skills
Reassessment of English learners; notification of results
Advanced placement examination fees
Migrant education programs; parent involvement
Child-find system; policies regarding written notification rights
Special education: proposed assessment plan
Notice of parent rights pertaining to special education
Written notice of right to findings; independent assessment
Development of individualized education program; right to audio record meeting
Individualized education program team meetings
Individualized education program meetings
Change in status of a nonpublic, nonsectarian school or agency
Behavioral intervention
Alternative schools; notice required prior to establishment
Exemption from state assessment
California Assessment of Student Performance and Progress
Use of CalPADS data
Submission of grade point average to Cal Grant program
Complaints related to preschool health and safety issues
Before/after school program; enrollment priorities
Expulsion and suspension procedures in childcare and development services programs
Expulsion and suspension procedures in childcare and development services programs
Tobacco use prevention
Availability of topical fluoride treatment
Lead testing of potable water at schools and requirements to remedy
Immunizations
Sharing immunization information
Health screening and immunizations
Administration of child day care licensing; posting license
Right to enter child care facility
Licensed child care centers; lead testing
Notice of permission granted to sex offender to volunteer on campus

State References

Pen. Code 627.5
W&I Code 10228

Federal References

20 USC 1232g
20 USC 1232h
20 USC 1415
20 USC 6311
20 USC 6312
20 USC 6318
20 USC 7704
20 USC 7908
34 CFR 104.32
34 CFR 104.36
34 CFR 104.8
34 CFR 106.9
34 CFR 200.48
34 CFR 222.94
34 CFR 300.300
34 CFR 300.322
34 CFR 300.502
34 CFR 300.503
34 CFR 300.504
34 CFR 300.508
34 CFR 300.530
34 CFR 99.30
34 CFR 99.34
34 CFR 99.37
34 CFR 99.7
40 CFR 763.84
40 CFR 763.93
42 USC 11431-11435
42 USC 1758
7 CFR 245.5
7 CFR 245.6a

Management Resources References

U.S. Department of Agriculture Publication

Description

Hearing request following denial or revocation of registration
Child care providers; posting of rates, discounts, and scholarships

Description

Family Educational Rights and Privacy Act (FERPA) of 1974
Privacy rights
Procedural safeguards
State plan
Local educational agency plan
Parent and family engagement
Impact Aid; policies and procedures related to children residing on Indian lands
Armed forces recruiter access to students
District responsibility to provide free appropriate public education
Procedural safeguards
Nondiscrimination
Severability
Teacher qualifications
Impact Aid; district responsibilities
Parent consent for special education evaluation
Parent participation in IEP team meetings
Independent educational evaluation of student with disability
Prior written notice regarding identification, evaluation, or placement of student with disability
Procedural safeguards notice for students with disabilities
Due process complaint
Discipline procedures
Disclosure of personally identifiable information
Student records; disclosure to other educational agencies
Disclosure of directory information
Student records; annual notification
Asbestos inspections, response actions and post-response actions
Asbestos management plans
McKinney-Vento Homeless Assistance Act
Child nutrition programs
Eligibility criteria for free and reduced-price meals
Verification of eligibility for free and reduced-price meals

Description

Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Agriculture, Food and Nutrition Service](#)

Cross References

0410

[Nondiscrimination In District Programs And Activities](#)

0450

[Comprehensive Safety Plan](#)

0450

[Comprehensive Safety Plan](#)

0460

[Local Control And Accountability Plan](#)

0460

[Local Control And Accountability Plan](#)

0510

[School Accountability Report Card](#)

1240

[Volunteer Assistance](#)

1240

[Volunteer Assistance](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3-E(1)

[Uniform Complaint Procedures](#)

1312.3-E(2)

[Uniform Complaint Procedures](#)

3231

[Impact Aid](#)

3260

[Fees And Charges](#)

3260

[Fees And Charges](#)

3312

[Contracts](#)

3513.3

[Tobacco-Free Schools](#)

3513.3

[Tobacco-Free Schools](#)

3514

[Environmental Safety](#)

3514

[Environmental Safety](#)

3514.2

[Integrated Pest Management](#)

3515.5

[Sex Offender Notification](#)

3515.5

[Sex Offender Notification](#)

3517

[Facilities Inspection](#)

3517-E(1)

[Facilities Inspection](#)

3543

[Transportation Safety And Emergencies](#)

3550

[Food Service/Child Nutrition Program](#)

3550

[Food Service/Child Nutrition Program](#)

3551

[Food Service Operations/Cafeteria Fund](#)

3551

[Food Service Operations/Cafeteria Fund](#)

3553

[Free And Reduced Price Meals](#)

3553

[Free And Reduced Price Meals](#)

3555

[Nutrition Program Compliance](#)

3555-E(1)

[Nutrition Program Compliance](#)

3580

[District Records](#)

3580

[District Records](#)

Cross References

4112.2

4112.2

4219.21

4219.21-E(1)

4222

4222

4319.21

4319.21-E(1)

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5111.1

5111.1

5112.2

5112.5

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5113.1

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5116.1

5116.1

5116.2

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5125.1

5125.1

5125.1-E(1)

5125.2

5125.3

5131.61

DescriptionCertificationCertificationProfessional StandardsProfessional StandardsTeacher Aides/ParaprofessionalsTeacher Aides/ParaprofessionalsProfessional StandardsProfessional StandardsConcepts And RolesParent Rights And ResponsibilitiesParent Rights And ResponsibilitiesStudent And Family Privacy RightsStudent And Family Privacy RightsStudent WellnessAdmissionAdmissionDistrict ResidencyDistrict ResidencyExclusions From AttendanceOpen/Closed CampusAbsences And ExcusesAbsences And ExcusesChronic Absence And TruancyChronic Absence And TruancyIntradistrict Open EnrollmentIntradistrict Open EnrollmentInvoluntary Student TransfersInterdistrict AttendanceInterdistrict AttendanceStudents Expelled From Other DistrictsPromotion/Acceleration/RetentionPromotion/Acceleration/RetentionStudent RecordsStudent RecordsRelease Of Directory InformationRelease Of Directory InformationRelease Of Directory InformationWithholding Grades, Diploma Or TranscriptsChallenging Student RecordsDrug Testing

Cross References

	Description
5132	<u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.3	<u>Health Examinations</u>
5141.3	<u>Health Examinations</u>
5141.31	<u>Immunizations</u>
5141.31	<u>Immunizations</u>
5141.32	<u>Health Screening For School Entry</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>
5142.1	<u>Identification And Reporting Of Missing Children</u>
5143	<u>Insurance</u>
5143	<u>Insurance</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5144.4	<u>Required Parental Attendance</u>
5144.4	<u>Required Parental Attendance</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.8	<u>Refusal To Harm Or Destroy Animals</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6111	<u>School Calendar</u>
6112	<u>School Day</u>
6112	<u>School Day</u>

Cross References**Description**

6117	<u>Year-Round Schedules</u>
6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u>
6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u>
6142.2	<u>World Language Instruction</u>
6142.2	<u>World Language Instruction</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6146.1	<u>High School Graduation Requirements</u>
6146.11	<u>Alternative Credits Toward Graduation</u>
6146.11	<u>Alternative Credits Toward Graduation</u>
6146.2	<u>Certificate Of Proficiency/High School Equivalency</u>
6146.2	<u>Certificate Of Proficiency/High School Equivalency</u>
6146.2-E(1)	<u>Certificate Of Proficiency/High School Equivalency</u>
6154	<u>Homework/Makeup Work</u>
6158	<u>Independent Study</u>
6158	<u>Independent Study</u>
6159	<u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
6159.4	<u>Behavioral Interventions For Special Education Students</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.8	<u>Research</u>
6162.8	<u>Research</u>
6164.2	<u>Guidance/Counseling Services</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.4	<u>Identification And Evaluation Of Individuals For Special Education</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6170.1	<u>Transitional Kindergarten</u>
6173	<u>Education For Homeless Children</u>
6173	<u>Education For Homeless Children</u>
6173-E(1)	<u>Education For Homeless Children</u>

Cross References

6173-E(2)

6173.1

6173.1

6173.3

6173.4

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DescriptionEducation For Homeless ChildrenEducation For Foster YouthEducation For Foster YouthEducation For Juvenile Court School StudentsEducation For American Indian StudentsMigrant Education ProgramMigrant Education ProgramCareer Technical EducationCareer Technical EducationAlternative Schools/Programs Of ChoiceAlternative Schools/Programs Of ChoiceHome And Hospital InstructionContinuation EducationContinuation EducationEvaluation Of The Instructional ProgramBoard Policies

Exhibit 5145.6-E(1): Parent/Guardian Notifications

Status: ADOPTED

Original Adopted Date: 03/01/2018 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2023 (SB 101, Ch. 12, Statutes of 2023) extends the suspension of these requirements through the 2023-24 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

This exhibit is a non-exhaustive list of notices that the law explicitly requires be provided to parents/guardians. Other notices may exist and be identified in the future.

I. Annually

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 222.5; 46015
Board Policy/Administrative Regulation #: See BP 5146
Subject: Rights and options for pregnant and parenting students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 234.7
Board Policy/Administrative Regulation #: See BP 0410
Subject: Right to a free public education regardless of immigration status or religious beliefs

When to Notify: Beginning of each school year or upon enrollment
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, AR 6174
Subject: Information on the district's language acquisition program

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 17611.5, 17612, 48980.3
Board Policy/Administrative Regulation #: See AR 3514.2
Subject: Use of pesticide products, active ingredients, internet address to access information, and, if district uses certain pesticides, integrated pest management plan

When to Notify: Annually by February 1
Education or Other Legal Code: Education Code 35256, 35258
Board Policy/Administrative Regulation #: See BP 0510
Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 35291, 48980
Board Policy/Administrative Regulation #: See AR 5144, AR 5144.1
Subject: District and site discipline rules

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 44050
Board Policy/Administrative Regulation #: See BP 4119.21, BP 4219.21, BP 4319.21
Subject: Code of conduct addressing employee interactions with students

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 46010.1
Board Policy/Administrative Regulation #: See AR 5113
Subject: Absence for confidential medical services

When to Notify: Beginning of each school year, if district has adopted policy on involuntary transfer of students convicted of certain crimes when victim is enrolled at same school
Education or Other Legal Code: Education Code 48929, 48980
Board Policy/Administrative Regulation #: See BP 5116.2

Subject: District policy authorizing transfer

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: Schedule of minimum days and student-free staff development days

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 231.5; 5 CCR 4917; 34 CFR 106.8

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Copy of sexual harassment policy as related to students; contact information for Title IX coordinator

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 32255-32255.6

Board Policy/Administrative Regulation #: See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 35160.5, 46600-46611, 48204, 48301

Board Policy/Administrative Regulation #: See BP 5111.1, AR 5116.1, AR 5117

Subject: All statutory attendance options, available local attendance options, options for meeting residency, form for changing attendance, appeals process

When to Notify: Beginning of each school year, if Governing Board allows such absence

Education or Other Legal Code: Education Code 48980, 46014

Board Policy/Administrative Regulation #: See AR 5113

Subject: Absence for religious exercise or purposes

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 48205

Board Policy/Administrative Regulation #: See AR 5113, BP 6154

Subject: Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 48206.3, 48207, 48208

Board Policy/Administrative Regulation #: See AR 6183

Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49403

Board Policy/Administrative Regulation #: See BP 5141.31

Subject: School immunization program

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49423, 49480

Board Policy/Administrative Regulation #: See AR 5141.21

Subject: Administration of prescribed medication

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49451; 20 USC 1232h

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Right to refuse consent to physical examination

When to Notify: Beginning of each school year

Education or Other Legal Code: Education Code 48980, 49471, 49472

Board Policy/Administrative Regulation #: See BP 5143

Subject: Availability of insurance

When to Notify: Beginning of each school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement

Education or Other Legal Code: Education Code 48980, 51225.3
Board Policy/Administrative Regulation #: See AR 6146.1
Subject: How district established graduation requirements do or do not satisfy college entrance A-G course criteria; district's CTE courses that satisfy A-G course criteria

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48985.5
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: The dangers of using synthetic drugs not prescribed by a physician and possibility that such drugs can be found in counterfeit pills

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 48986, 49392
Board Policy/Administrative Regulation #: See AR 0450
Subject: Information and laws related to the safe storage of firearms and California's child access prevention laws

When to Notify: Annually (not otherwise specified)
Education or Other Legal Code: Education Code 49013; 5 CCR 4622
Board Policy/Administrative Regulation #: See AR 1312.3, BP 0460, BP 3260
Subject: Uniform complaint procedures, available appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7
Board Policy/Administrative Regulation #: See AR 5125
Subject: Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information, disclosures, right to file complaint with U.S. Department of Education, course prospectus availability

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Release of directory information

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49069.5, 51225.1
Board Policy/Administrative Regulation #: See AR 6173, AR 6173.1, AR 6173.3, AR 6175
Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, students who are migratory and newcomer students

When to Notify: Two or more times during the school year
Education or Other Legal Code: Education Code 49428
Board Policy/Administrative Regulation #: See BP 5141.5
Subject: How to access mental health services at school and/or in the community

When to Notify: Beginning of each school year in schools serving students in grades 6-12
Education or Other Legal Code: Education Code 49428.5
Board Policy/Administrative Regulation #: See BP 5141.5
Subject: Distribution of digitized mental health poster online

When to Notify: Annually or upon enrollment in elementary school
Education or Other Legal Code: Education Code 49452.6
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Availability of type 1 diabetes informational materials developed by the California Department of Education

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 49520, 48980, 42 USC 1758, 7 CFR 245.5
Board Policy/Administrative Regulation #: See AR 3553
Subject: Eligibility and application process for free and reduced price meals

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 51513, 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022, BP 6162.8
Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures

When to Notify: When developing the local control and accountability plan and during the annual update of the local control and accountability plan (LCAP)
Education or Other Legal Code: Education Code 52062
Board Policy/Administrative Regulation #: See BP 0460
Subject: Opportunity to submit written comments regarding specific actions and expenditures in proposed plan or annual update

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 56301
Board Policy/Administrative Regulation #: See BP 6164.4
Subject: Parental rights re: special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 58501, 48980
Board Policy/Administrative Regulation #: See AR 6181
Subject: Alternative schools

When/Whom to Notify: Annually (not otherwise specified)
Education or Other Legal Code: Education Code 60615, 5 CCR 852
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Student's participation in state assessments; option to request exemption from testing

When to Notify: Beginning of each school year
Education or Other Legal Code: Education Code 60900.5
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: Use of CalPADS data as specified in Education Code 60900.5

When to Notify: Beginning of each school year
Education or Other Legal Code: Health and Safety Code 104855
Board Policy/Administrative Regulation #: See AR 5141.6
Subject: Availability of dental fluoride treatment; opportunity to accept or deny treatment

When to Notify: Beginning of each school year, if district receives Title I funds
Education or Other Legal Code: 20 USC 6312; 34 CFR 200.48
Board Policy/Administrative Regulation #: See BP 4112.2, AR 4222
Subject: Right to request information re: professional qualifications of child's teacher and paraprofessional

When to Notify: Beginning of each school year
Education or Other Legal Code: 34 CFR 104.8, 106.8
Board Policy/Administrative Regulation #: See BP 0410, BP 6178
Subject: Nondiscrimination

When to Notify: Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals
Education or Other Legal Code: 40 CFR 763.84, 40 CFR 763.93
Board Policy/Administrative Regulation #: See AR 3514
Subject: Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA FNS Instructions 113-1
Board Policy/Administrative Regulation #: See BP 3555
Subject: Information related to the district's food service programs

When to Notify: Beginning of each school year
Education or Other Legal Code: USDA SP-46-2016
Board Policy/Administrative Regulation #: See AR 3551
Subject: District policy on meal payments

II. At Specific Times During the Student's Academic Career

When to Notify: Beginning in grade 7, at least once prior to course selection and career counseling
Education or Other Legal Code: Education Code 221.5, 48980
Board Policy/Administrative Regulation #: See BP 6164.2
Subject: Course selection and career counseling

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 310
Board Policy/Administrative Regulation #: See BP 6142.2, AR 6174
Subject: Information on the district's language acquisition programs

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program
Education or Other Legal Code: Education Code 32390, 48980
Board Policy/Administrative Regulation #: See AR 5142.1
Subject: Fingerprinting program

When/Whom to Notify: When participating in driver training courses under the jurisdiction of the district
Education or Other Legal Code: Education Code 35211
Board Policy/Administrative Regulation #: None
Subject: Civil liability, insurance coverage

When to Notify: Upon registration in K-6, if students have not previously been transported
Education or Other Legal Code: Education Code 39831.5
Board Policy/Administrative Regulation #: See AR 3543
Subject: School bus safety rules and information, list of stops, rules of conduct, red light crossing instructions, bus danger zones, walking to and from stops

When to Notify: Beginning of each school year for high school students, if high school is open campus
Education or Other Legal Code: Education Code 44808.5, 48980
Board Policy/Administrative Regulation #: See BP 5112.5
Subject: Open campus

When to Notify: When admitted or advancing to sixth grade
Education or Other Legal Code: Education Code 48980.4
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: A statement regarding the state's public policy, advising that the student adhere to current immunization guidelines regarding full human papillomavirus (HPV) immunization before admission or advancement to the eighth grade level

When to Notify: Prior to providing an eye examination
Education or Other Legal Code: Education Code 49455.5
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Upcoming eye examinations at school site, including form on which parent/guardian may indicate lack of consent

When to Notify: When a parent/guardian request for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures
Education or Other Legal Code: Education Code 49468.2
Board Policy/Administrative Regulation #: To be included in AR 5141.21
Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of

emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When to Notify: Upon a student's enrollment
Education or Other Legal Code: Education Code 49063
Board Policy/Administrative Regulation #: See AR 5125, AR 5125.3
Subject: Specified rights related to student records

When to Notify: When students enter grade 7
Education or Other Legal Code: Education Code 49452.7
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Specified information on type 2 diabetes

When to Notify: When in kindergarten, or first grade if not previously enrolled in public school
Education or Other Legal Code: Education Code 49452.8
Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Requirement for oral health assessment, explanation of law, importance of oral health, agency contact, privacy rights

When to Notify: Before grade 12
Education or Other Legal Code: Education Code 51225.8
Board Policy/Administrative Regulation #: See AR 6143
Subject: Completion and submission of FAFSA and CADAA

When to Notify: Beginning of each school year for students in grades 9-12
Education or Other Legal Code: Education Code 51229, 48980
Board Policy/Administrative Regulation #: See AR 6143, BP 6178
Subject: UC and CSU College admission requirements, UC and CSU web sites that list certified courses, description of CTE, CDE Internet address, how students may meet with counselors

When to Notify: Beginning of each school year for students in grades 7-12, or at time of enrollment if after beginning of year
Education or Other Legal Code: Education Code 51938, 48980
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Sexual health and HIV prevention education; right to view A/V materials, whether taught by district staff or outside consultants, right to request specific Education Code sections, right to excuse

When to Notify: Within 20 working days of receiving results of standardized achievement tests or, if results not available in school year, within 20 working days of start of next school year
Education or Other Legal Code: Education Code 60641, 5 CCR 863
Board Policy/Administrative Regulation #: See AR 6162.51
Subject: Results of tests; test purpose, individual score and intended use

When/Whom to Notify: By October 15 for students in grade 12
Education or Other Legal Code: Education Code 69432.9
Board Policy/Administrative Regulation #: See AR 5121, AR 5125
Subject: Forwarding of student's grade point average to Cal Grant program; timeline to opt out

When to Notify: Upon enrollment in a California State Preschool program
Education or Other Legal Code: Education Code 8489.1
Board Policy/Administrative Regulation #: See AR 5148.3
Subject: Limitations on disenrollment, including expulsion and suspension and how to file an appeal in the event of expulsion or suspension

When to Notify: When child is enrolled or reenrolled in a licensed child care center or preschool
Education or Other Legal Code: Health and Safety Code 1596.7996
Board Policy/Administrative Regulation #: See AR 5148
Subject: Information on risks and effects of lead exposure, blood lead testing

When to Notify: When child is enrolled in kindergarten
Education or Other Legal Code: Health and Safety Code 124100, 124105

Board Policy/Administrative Regulation #: See AR 5141.32
Subject: Health screening examination

When to Notify: To students in grades 11-12, early enough to enable registration for fall test
Education or Other Legal Code: 5 CCR 11523
Board Policy/Administrative Regulation #: See AR 6146.2
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: To secondary students, if district receives Title I funds
Education or Other Legal Code: 20 USC 7908
Board Policy/Administrative Regulation #: See AR 5125.1
Subject: Request that district not release student's name, address, and phone number to military recruiters without prior written consent

III. When Special Circumstances Occur

When to Notify: In the event of a breach of security of district records
Education or Other Legal Code: Civil Code 1798.29
Board Policy/Administrative Regulation #: See BP 3580
Subject: Types of records affected, date of breach, description of incident, contact information for credit reporting agencies

When to Notify: Upon receipt of a complaint alleging discrimination
Education or Other Legal Code: Education Code 262.3
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Civil law remedies available to complainants

When to Notify: When determining whether an English learner should be reclassified as fluent English proficient
Education or Other Legal Code: Education Code 313, 5 CCR 11303
Board Policy/Administrative Regulation #: See AR 6174
Subject: Description of reclassification process, opportunity for parent/guardian to participate

When to Notify: When Student is identified as English learner and district receives Title I or Title III funds for English learner programs, not later than 30 days after beginning of school year or within two weeks of placement if identified during school year
Education or Other Legal Code: Education Code 313.2, 440, 20 USC 6312
Board Policy/Administrative Regulation #: See AR 6174
Subject: Reason for classification, level of English proficiency, identification as long-term English learner, description of program(s), option to decline program or choose alternate, option to remove student from program at any time, exit requirements of program

When to Notify: For districts under financial distress, as defined, upon an affirmative action by the Board to implement a school closure or consolidation
Education or Other Legal Code: Education Code 41329
Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: The date of the closure or consolidation, student's new school assignment, district resources to support student transition, contacts for additional information.

When to Notify: Prior to implementing alternative schedule
Education or Other Legal Code: Education Code 46162
Board Policy/Administrative Regulation #: See BP 6112
Subject: Public hearing on alternative schedule in secondary grades

When to Notify: When homeless or foster youth applies for enrollment in before/after school program
Education or Other Legal Code: Education Code 8483
Board Policy/Administrative Regulation #: See AR 5178.2
Subject: Right to priority enrollment how to request priority enrollment

When to Notify: When certification status of a nonpublic, nonsectarian school or agency attended by a district student changes, within 14 days of becoming aware of the change
Education or Other Legal Code: Education Code 56366.45

Board Policy/Administrative Regulation #: Not currently in CSBA policy
Subject: A change in certification status of nonpublic, nonsectarian school or agency

When to Notify: When a child in a California State Preschool program exhibits persistent and serious challenging behaviors

Education or Other Legal Code: Education Code 8489.1

Board Policy/Administrative Regulation #: See AR 5148.3

Subject: Description of the child's behaviors and program plan for maintaining the child's safe participation in program and expulsion/unenrollment process

When to Notify: At least 24 hours before the effective date of suspending or expelling a child from a California State Preschool program

Education or Other Legal Code: Education Code 8489.1

Board Policy/Administrative Regulation #: See AR 5148.3

Subject: "Notice of Action, Recipient of Services," as described in 5 CCR 17783

When to Notify: Before high school student attends specialized secondary program on a university campus

Education or Other Legal Code: Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education or Other Legal Code: Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: To members of athletic teams

Education or Other Legal Code: Education Code 32221.5

Board Policy/Administrative Regulation #: See AR 5143

Subject: Offer of insurance; no-cost and low-cost program options

When to Notify: Annually to parents/guardians of student athletes before participation in competition

Education or Other Legal Code: Education Code 33479.3

Board Policy/Administrative Regulation #: See AR 6145.2

Subject: Information on sudden cardiac arrest

When to Notify: If school has lost its WASC accreditation status

Education or Other Legal Code: Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When/Whom to Notify: When district has contracted for electronic products or services that disseminate advertising

Education or Other Legal Code: Education Code 35182.5

Board Policy/Administrative Regulation #: See BP 3312

Subject: Advertising will be used in the classroom or learning center

When to Notify: At least six months before implementing a schoolwide uniform policy

Education or Other Legal Code: Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a year-round schedule

Education or Other Legal Code: Education Code 37616

Board Policy/Administrative Regulation #: See BP 6117

Subject: Public hearing on year-round schedule

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education or Other Legal Code: Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

When to Notify: Before early entry to transitional kindergarten or kindergarten, if early entry offered
Education or Other Legal Code: Education Code 48000
Board Policy/Administrative Regulation #: See AR 5111, AR 6170.1
Subject: Effects, advantages and disadvantages of early entry

When to Notify: When student identified as being at risk of retention
Education or Other Legal Code: Education Code 48070.5
Board Policy/Administrative Regulation #: See AR 5123
Subject: Student at risk of retention

When to Notify: When student excluded due to quarantine, contagious or infectious disease, danger to safety or health
Education or Other Legal Code: Education Code 48213
Board Policy/Administrative Regulation #: See AR 5112.2
Subject: Student has been excluded from school

When to Notify: Before already admitted student is excluded for lack of immunization
Education or Other Legal Code: Education Code 48216, 17 CCR 6040
Board Policy/Administrative Regulation #: See AR 5141.31
Subject: Need to submit evidence of immunization or exemption within 10 school days; referral to medical care

When to Notify: When a student is classified as truant
Education or Other Legal Code: Education Code 48260.5, 48262
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Truancy, parental obligation, availability of alternative programs, student consequences, need for conference

When to Notify: When a truant is referred to a SARB or probation department
Education or Other Legal Code: Education Code 48263
Board Policy/Administrative Regulation #: See AR 5113.1
Subject: Name and address of SARB or probation department and reason for referral

When/Whom to Notify: When student requests to voluntarily transfer to continuation school
Education or Other Legal Code: Education Code 48432.3
Board Policy/Administrative Regulation #: See AR 6184
Subject: Copy of district policy and regulation on continuation education

When to Notify: Prior to involuntary transfer to continuation school
Education or Other Legal Code: Education Code 48432.5
Board Policy/Administrative Regulation #: See AR 6184
Subject: Right to require meeting prior to involuntary transfer to continuation school

When/Whom to Notify: To person holding educational rights, prior to recommending placement of foster youth outside school of origin
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1
Subject: Basis for the placement recommendation

When to Notify: When a foster youth or an Indian child receives a suspension, expulsion, manifestation determination, or involuntary transfer
Education or Other Legal Code: Education Code 48853.5
Board Policy/Administrative Regulation #: See AR 6173.1, AR 6173.4
Subject: Suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information to a foster youth's educational rights holder, attorney, and county social worker and an Indian child's tribal social worker and, if applicable, the child's county social worker

When to Notify: When student is removed from class and teacher requires parental attendance at school
Education or Other Legal Code: Education Code 48900.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Parental attendance required; timeline for attendance

When to Notify: Prior to withholding grades, diplomas, or transcripts
Education or Other Legal Code: Education Code 48904
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student
Education or Other Legal Code: Education Code 48904.3
Board Policy/Administrative Regulation #: See AR 5125.2
Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer
Education or Other Legal Code: Education Code 48906
Board Policy/Administrative Regulation #: See BP 5145.11
Subject: Release of student to peace officer for the purpose of removing minor from school, unless taken into custody as victim of suspected child abuse

When to Notify: At time of suspension
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See BP 5144.1, AR 5144.1
Subject: Notice of suspension

When to Notify: When original period of suspension is extended
Education or Other Legal Code: Education Code 48911
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Extension of suspension

When to Notify: At the time a student is assigned to a supervised suspension classroom
Education or Other Legal Code: Education Code 48911.1
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: The student's assignment to a supervised suspension classroom

When to Notify: Before holding a closed session re: suspension
Education or Other Legal Code: Education Code 48912
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Intent to hold a closed session re: suspension

When to Notify: When a student expelled from another district for certain acts seeks admission
Education or Other Legal Code: Education Code 48915.1, 48918
Board Policy/Administrative Regulation #: See BP 5119
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs
Education or Other Legal Code: Education Code 48916
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Readmission procedures

When to Notify: At least 10 calendar days before expulsion hearing
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs
Education or Other Legal Code: Education Code 48918
Board Policy/Administrative Regulation #: See AR 5144.1
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: Before involuntary transfer of student convicted of certain crime when victim is enrolled at same school

Education or Other Legal Code: Education Code 48929, 48980

Board Policy/Administrative Regulation #: See BP 5116.2

Subject: Right to request a meeting with principal or designee

When to Notify: One month before the scheduled minimum day

Education or Other Legal Code: Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents/guardians request guidelines for filing complaint of child abuse at a school site

Education or Other Legal Code: Education Code 48987

Board Policy/Administrative Regulation #: See AR 5141.4

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course

Education or Other Legal Code: Education Code 49067

Board Policy/Administrative Regulation #: See AR 5121

Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school into the district

Education or Other Legal Code: Education Code 49068

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and a hearing to challenge content of student's records

When/Whom to Notify: When parent/guardian's challenge of student record is denied and parent/guardian appeals

Education or Other Legal Code: Education Code 49070

Board Policy/Administrative Regulation #: See AR 5125.3

Subject: If board sustains allegations, the correction of destruction of record; if denied, right to submit written objection

When/Whom to Notify: When district is considering program to gather safety-related information from students' social media activity

Education or Other Legal Code: Education Code 49073.6

Board Policy/Administrative Regulation #: See BP 5125

Subject: Opportunity for input on proposed program

When/Whom to Notify: When district adopts program to gather information from students' social media activity, and annually thereafter

Education or Other Legal Code: Education Code 49073.6

Board Policy/Administrative Regulation #: AR 5125

Subject: Information is being gathered, access to records, process for removal or corrections, destruction of records

When to Notify: Within 24 hours of release of information to a judge or probation officer

Education or Other Legal Code: Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record to a judge or probation officer for conducting truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena

Education or Other Legal Code: Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: When screening results in suspicion that student has scoliosis

Education or Other Legal Code: Education Code 49452.5

Board Policy/Administrative Regulation #: See AR 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Education or Other Legal Code: Education Code 49456; 17 CCR 2951
Board Policy/Administrative Regulation #: See AR 5141.3
Subject: Vision or hearing test results

When to Notify: Annually to parents/guardians of student athletes
Education or Other Legal Code: Education Code 49475
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Information on concussions and head injuries

When to Notify: Annually to parents/guardians of student athletes before their first practice or competition
Education or Other Legal Code: Education Code 49476
Board Policy/Administrative Regulation #: See AR 6145.2
Subject: Opioid fact sheet

When/Whom to Notify: Within 30 days of foster youth, student experiencing homelessness, former juvenile court school student, child of military family, or migrant student being transferred after second year of high school, or immigrant student enrolled in newcomer program in grades 11-12
Education or Other Legal Code: Educational Code 51225.1
Board Policy/Administrative Regulation #: See BP 6146.1, AR 6173, AR 6173.1, AR 6173.3, AR 6175
Subject: Exemption from local graduation requirements, effect on college admission, option for fifth year of high school, transfer opportunities through California Community Colleges

When to Notify: When satisfactory educational progress in one or more independent study courses is not being made by student under 18
Education or Other Legal Code: Educational Code 51749.5
Board Policy/Administrative Regulation #: See BP 6158
Subject: Findings from evaluation to determine if it is in student's best interest to remain in independent study or whether student should be referred to an alternative program.

When to Notify: Before any test/survey questioning personal beliefs
Education or Other Legal Code: Education Code 51513
Board Policy/Administrative Regulation #: See AR 5022
Subject: Permission for test, survey questioning personal beliefs

When to Notify: At least 14 days before HIV prevention or sexual health instruction, if arrangement made for guest speaker after beginning of school year
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 6142.1
Subject: Instruction in HIV prevention or sexual health by guest speaker or outside consultant

When to Notify: Prior to administering survey regarding health risks and behaviors to students in 7-12
Education or Other Legal Code: Education Code 51938
Board Policy/Administrative Regulation #: See AR 5022
Subject: Notice that the survey will be administered

When to Notify: Within 30 calendar days of receipt of results of assessment or reassessment of English proficiency
Education or Other Legal Code: Education Code 52164.1, 52164.3, 5 CCR 11511.5
Board Policy/Administrative Regulation #: See AR 6174
Subject: Results of state test of English proficiency

When to Notify: When migrant education program is established
Education or Other Legal Code: Education Code 54444.2
Board Policy/Administrative Regulation #: See BP 6175, AR 6175
Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: Health and Safety Code 1596.857, 22 CCR 101218.1
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to enter and inspect facility and other rights as specified

When to Notify: When a licensed child care center has a building constructed before January 1, 2010 and has

drinking water tested for lead
Education or Other Legal Code: Health and Safety Code 1597.16
Board Policy/Administrative Regulation #: See AR 5148
Subject: The requirement to test the facility, and the results of the test

When/Whom to Notify: When district receives Tobacco-Use Prevention Education Funds
Education or Other Legal Code: Health and Safety Code 104420
Board Policy/Administrative Regulation #: See AR 3513.3
Subject: The district's tobacco-free schools policy and enforcement procedures

When to Notify: When sharing student immunization information with an immunization system
Education or Other Legal Code: Health and Safety Code 120440
Board Policy/Administrative Regulation #: See AR 5125
Subject: Types of information to be shared, name and address of agency, acceptable use of the information, right to examine, right to refuse to share

When/Whom to Notify: At least 14 days prior to sex offender coming on campus as volunteer
Education or Other Legal Code: Penal Code 626.81
Board Policy/Administrative Regulation #: See AR 1240, BP 1250
Subject: Dates and times permission granted; obtaining information from law enforcement

When to Notify: When hearing is requested by person asked to leave school premises
Education or Other Legal Code: Penal Code 627.5
Board Policy/Administrative Regulation #: See AR 3515.2
Subject: Notice of hearing

When/Whom to Notify: When responding to complaint re: discrimination, special education, or noncompliance with law
Education or Other Legal Code: 5 CCR 4631
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Findings, disposition of complaint, any corrective actions, appeal rights and procedures

When to Notify: When child participates in licensed child care and development program
Education or Other Legal Code: 5 CCR 18066
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies regarding excused and unexcused absences

When to Notify: Within 30 days of application for subsidized child care or preschool services
Education or Other Legal Code: 5 CCR 17782, 18094, 18118
Board Policy/Administrative Regulation #: See AR 5148, AR 5148.3
Subject: Policies re: Approval or denial of services

When to Notify: At least 14 days before change in service or other intended action, upon recertification or update of application for child care or preschool services
Education or Other Legal Code: 5 CCR 17783, 18095, 18119
Board Policy/Administrative Regulation #: See AR 5148, AR 5148.3
Subject: Policies re: Any change in service, such as in fees, amount of service, termination of service

When to Notify: Upon child's enrollment in child care program
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Policy on fee collection

When to Notify: When payment of child care fees is seven days late
Education or Other Legal Code: 5 CCR 18114
Board Policy/Administrative Regulation #: See AR 5148
Subject: Policies re: Notice of delinquent fees

When to Notify: When district substantively changes policy on student privacy rights
Education or Other Legal Code: 20 USC 1232h
Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice of any substantive change in policy or regulation

When to Notify: For districts receiving Title I funds, when a child has been assigned or taught for four or more consecutive weeks by a teacher who does not meet state certification requirements for the grade level/subject taught

Education or Other Legal Code: 20 USC 6312

Board Policy/Administrative Regulation #: See BP 4112.2

Subject: Timely notice to parent/guardian of child's assignment

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents/guardians of English learners

Education or Other Legal Code: 20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

Education or Other Legal Code: 20 USC 6318

Board Policy/Administrative Regulation #: See AR 6020

Subject: Notice of policy

When to Notify: When district receives Impact Aid funds for students residing on Indian lands, to parents/guardians of Indian children

Education or Other Legal Code: 20 USC 7704; 34 CFR 222.94

Board Policy/Administrative Regulation #: See AR 3231

Subject: Relevant applications, evaluations, program plans, information about district's general educational program; opportunity to submit comments

When to Notify: When household is selected for verification of eligibility for free or reduced-price meals

Education or Other Legal Code: 42 USC 1758, 7 CFR 245.6a

Board Policy/Administrative Regulation #: See AR 3553

Subject: Need to submit verification information; any subsequent change in benefits; appeals

When/Whom to Notify: When student is homeless or unaccompanied minor

Education or Other Legal Code: Education Code 48852.5, 42 USC 11432

Board Policy/Administrative Regulation #: See AR 6173

Subject: Educational and related opportunities; transportation services; placement decision and right to appeal; duties of district liaison; public notice

When to Notify: When student transfers out of state and records are disclosed without consent pursuant to 34 CFR 99.30

Education or Other Legal Code: 34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive records and an opportunity for hearing upon request

When to Notify: When student complains of sexual harassment

Education or Other Legal Code: 34 CFR 106.44, 106.45

Board Policy/Administrative Regulation #: See AR 5145.7

Subject: Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable

When to Notify: When district receives federal funding assistance for nutrition program

Education or Other Legal Code: USDA FNS Instruction 113-1

Board Policy/Administrative Regulation #: See BP 3555

Subject: Rights and responsibilities, nondiscrimination policy, complaint procedures

IV. Special Education Notices

When to Notify: Prior to a student with disabilities beginning tenth grade

Education or Other Legal Code: Educational Code 51225.31

Board Policy/Administrative Regulation #: See BP 6146.1

Subject: Exemption from local graduation requirements

When to Notify: Prior to conducting initial evaluation

Education or Other Legal Code: Education Code 56301, 56321, 56321.5, 56321.6, 56329, 20 USC 1415 (d), 34 CFR 300.502, 300.503

Board Policy/Administrative Regulation #: See BP 6159.1, AR 6159.1, AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice, procedural safeguards

When/Whom to Notify: Before functional behavioral assessment begins

Education or Other Legal Code: Education Code 56321

Board Policy/Administrative Regulation #: See AR 6159

Subject: Notification and consent

When to Notify: 24 hours before IEP when district intending to record

Education or Other Legal Code: Education Code 56341.1

Board Policy/Administrative Regulation #: See AR 6159

Subject: Intention to audio-record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

Education or Other Legal Code: Education Code 56341.5, 34 CFR 300.322

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who will attend, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent/guardian orally requests review of IEP

Education or Other Legal Code: Education Code 56343.5

Board Policy/Administrative Regulation #: See AR 6159

Subject: Need for written request

When to Notify: Within one school day of emergency intervention or serious property damage

Education or Other Legal Code: Education Code 56521.1

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation, placement, or FAPE, including when parent/guardian revokes consent for services

Education or Other Legal Code: 20 USC 1415(c), 34 CFR 300.300, 300.503

Board Policy/Administrative Regulation #: See AR 6159, AR 6159.1

Subject: Prior written notice

When/Whom to Notify: Upon filing of state complaint

Education or Other Legal Code: 20 USC 1415(d), 34 CFR 300.504

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When/Whom to Notify: When disciplinary measures are taken or a change in placement

Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.530

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing

Education or Other Legal Code: 20 USC 1415(k), 34 CFR 300.508

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

When to Notify: Eligibility for services under Section 504

Education or Other Legal Code: 34 CFR 104.32, 104.36

Board Policy/Administrative Regulation #: See AR 6164.6

Subject: District responsibilities, district actions, procedural safeguards

V. Classroom Notices

Where to Post: In all district schools and offices, including staff lounges and student government meeting rooms
Education or Other Legal Code: Education Code 234.1
Board Policy/Administrative Regulation #: See AR 1312.3
Subject: Uniform complaint procedures board policy and administrative regulation

Where to Post: In each classroom used for license exempt California State Preschool Program
Education or Other Legal Code: Education Code 8212
Board Policy/Administrative Regulation #: See AR/E 1312.3
Subject: Health and safety requirements for preschool programs; where to get complaint form

Where to Post : In each classroom in each school
Education or Other Legal Code: Education Code 35186
Board Policy/Administrative Regulation #: See AR/E 1312.4
Subject: Complaints subject to Williams uniform complaint procedures

Where to Post: In any school serving any of grades 3-12, in a prominent and conspicuous location in every restroom required to stock menstrual products,
Education or Other Legal Code: Education Code 35292.6
Board Policy/Administrative Regulation #: See AR 3517
Subject: Requirement to stock and make available free of cost an adequate supply of menstrual products that includes email address and telephone number for a designated individual responsible for maintaining requisite supply of menstrual products

Where to Post: In a licensed child care and development center at a location accessible to parents/guardians
Education or Other Legal Code: Health and Safety Code 1596.857
Board Policy/Administrative Regulation #: See AR 5148
Subject: Parent/guardian right to inspect, prohibition against retaliation, right to file complaint; registered sex offender database available to public; review licensing reports of facility visits and substantiated complaints against facility

Where to Post: In a prominent, publicly accessible location in the child care facility
Education or Other Legal Code: Health and Safety Code 1596.8555
Board Policy/Administrative Regulation #: See AR 5148
Subject: Child care license

Where to Post: In a prominent location adjacent to child care license at facility
Education or Other Legal Code: Welfare and Institutions Code 10228
Board Policy/Administrative Regulation #: See AR 5148
Subject: Rates, discounts, or scholarship policies

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
17 CCR 2950-2951	Hearing tests
17 CCR 6000-6075	School attendance immunization requirements
22 CCR 101218.1	Child care licensing; parent/guardian rights
5 CCR 11303	Reclassification of English learners
5 CCR 11511.5	English language proficiency assessment; test results
5 CCR 11523	Notice of proficiency examinations
5 CCR 17782	Notice of Action; application for services
5 CCR 17783	Notice of Action; recipient of services
5 CCR 18066	Child care policies regarding excused and unexcused absences
5 CCR 18094-18095	Notice of Action; child care services

State References

5 CCR 18114
5 CCR 18118-18119
5 CCR 3052
5 CCR 4622
5 CCR 4631
5 CCR 4917
5 CCR 852
5 CCR 863
Civ. Code 1798.29
Ed. Code 17288
Ed. Code 17612
Ed. Code 221.5
Ed. Code 231.5
Ed. Code 234.1
Ed. Code 234.7
Ed. Code 262.3
Ed. Code 310
Ed. Code 313
Ed. Code 313.2
Ed. Code 32221.5
Ed. Code 32255-32255.6
Ed. Code 32390
Ed. Code 33479-33479.9
Ed. Code 35160.5
Ed. Code 35178.4
Ed. Code 35182.5
Ed. Code 35183
Ed. Code 35186
Ed. Code 35211
Ed. Code 35256
Ed. Code 35258
Ed. Code 35291
Ed. Code 35292.6
Ed. Code 37616
Ed. Code 39831.5
Ed. Code 41329
Ed. Code 440
Ed. Code 44050

Description

Notice of delinquent fees; child care services
Notice of Action; child care services
Behavioral intervention
Uniform complaint procedures
Uniform complaint procedures; notification of decision and right to appeal
Notification of sexual harassment policy
Exemptions from state assessments
Reports of state assessment results
District records; breach of security
Building standards for university campuses
Notification of pesticide use
Equal opportunity
Sexual harassment policy
Student protections relating to discrimination, harassment, intimidation, and bullying
Student protections relating to immigration and citizenship status
Appeals for discrimination complaints; information regarding availability of civil remedies
Language acquisition programs
Reclassification of English learners; parental consultation
Long-term English learner; notification
Insurance for athletic team members
Student's right to refrain from harmful or destructive use of animals
Voluntary program for fingerprinting students
The Eric Parades Sudden Cardiac Arrest Prevention Act
Extracurricular and cocurricular activities
Notice of accreditation status
Advertising in the classroom
School dress code; uniforms
Complaints concerning deficiencies in instructional materials and facilities
Driver training; district insurance, parent/guardian liability
School Accountability Report Card
School Accountability Report Card
Rules for student discipline
School maintenance
Consultation regarding year-round schedule
School bus rider rules and information
School closures and consolidation
English language proficiency assessment; instruction in English language development
Employee code of conduct; interaction with students

State References

Ed. Code 44808.5
Ed. Code 46010.1
Ed. Code 46014
Ed. Code 46015
Ed. Code 46162
Ed. Code 46600-46611
Ed. Code 48000
Ed. Code 48070.5
Ed. Code 48204
Ed. Code 48205
Ed. Code 48206.3
Ed. Code 48207-48208
Ed. Code 48213
Ed. Code 48216
Ed. Code 48260.5
Ed. Code 48262
Ed. Code 48263
Ed. Code 48301
Ed. Code 48412
Ed. Code 48432.3
Ed. Code 48432.5
Ed. Code 48850-48859
Ed. Code 48900.1
Ed. Code 48904
Ed. Code 48904-48904.3
Ed. Code 48906
Ed. Code 48911
Ed. Code 48911.1
Ed. Code 48912
Ed. Code 48915.1
Ed. Code 48916
Ed. Code 48918
Ed. Code 48929
Ed. Code 48980
Ed. Code 48980.3
Ed. Code 48980.4
Ed. Code 48981
Ed. Code 48982
Ed. Code 48983

Description

Permission to leave school grounds
Notice regarding excuse to obtain confidential medical services
Regulations regarding absences for religious purposes
Accommodations for pregnant and parenting pupils
Alternative schedule for junior high and high school; public hearing with notice
Interdistrict attendance agreements
Minimum age of admission
Promotion and retention of students
Residency requirements
Absence for personal reasons
Students with temporary disabilities; individual instruction; definitions
Students with temporary disabilities in hospitals
Prior notice of exclusion from attendance
Immunization and exclusion from attendance
Notice regarding truancy
Need for parent conference regarding truancy
Referral to school attendance review board or probation department
Interdistrict transfers
Certificate of proficiency
Voluntary enrollment in continuation education
Involuntary transfers of students
Education of foster youth and homeless students
Parental attendance required after suspension
Liability of parent/guardian for willful student misconduct
Withholding grades, diplomas, or transcripts
Notification of release of student to peace officer
Notification in case of suspension
Assignment to supervised suspension classroom
Closed sessions; consideration of suspension
Expelled students; enrollment in another district
Readmission procedures
Rules governing expulsion procedures
Transfer of student convicted of violent felony or misdemeanor
Parent/Guardian notifications
Notification of pesticide use
Notice regarding full human papillomavirus (HPV) immunization
Time and means of notification
Parent signature acknowledging receipt of notice
Contents of notice

State References

Ed. Code 48984
Ed. Code 48985
Ed. Code 48985.5
Ed. Code 48986
Ed. Code 48987
Ed. Code 49013
Ed. Code 49063
Ed. Code 49067
Ed. Code 49068
Ed. Code 49069.7
Ed. Code 49070
Ed. Code 49073
Ed. Code 49073.6
Ed. Code 49076
Ed. Code 49077
Ed. Code 49392
Ed. Code 49403
Ed. Code 49423
Ed. Code 49451
Ed. Code 49452.5
Ed. Code 49452.6
Ed. Code 49452.7
Ed. Code 49452.8
Ed. Code 49455.5
Ed. Code 49456
Ed. Code 49471-49472
Ed. Code 49475
Ed. Code 49476
Ed. Code 49480
Ed. Code 49510-49520
Ed. Code 51225.1
Ed. Code 51225.2
Ed. Code 51225.3
Ed. Code 51225.31
Ed. Code 51225.8
Ed. Code 51229
Ed. Code 51513
Ed. Code 51749.5
Ed. Code 51938

Description

Activities prohibited unless notice given
Notices to parents in language other than English
Synthetic drug use
Safe storage of firearms
Child abuse information
Use of uniform complaint procedures for complaints regarding student fees
Notification of parental rights
Student evaluation; student in danger of failing course
Transfer of permanent enrollment and scholarship record
Absolute right to access
Challenging content of student record
Release of directory information
Student records; social media
Access to student records
Access to information concerning a student in compliance with court order
Threats of homicide at school
Cooperation in control of communicable disease and immunizations
Administration of prescribed medication for student
Physical examinations; parent's refusal to consent
Screening for scoliosis
Type 1 diabetes informational materials
Information on type 2 diabetes
Oral health assessment
Eye examination for purpose of eyeglasses
Results of vision or hearing test
Insurance
Student athletes; concussions and head injuries
Student athletes; opioid fact sheet
Continuing medication regimen for nonepisodic conditions
Duffy-Moscone Family Nutrition Education and Services Act of 1970
Exemption from district graduation requirements
Course credits
High school graduation requirements
Graduation from high school; exemption for eligible students with special needs
Completion and submission of FAFSA and CADAA
Course of study for grades 7-12
Personal beliefs; privacy
Independent study
HIV/AIDS and sexual health instruction

State References

Ed. Code 52062

Ed. Code 52164

Ed. Code 52164.1

Ed. Code 52164.3

Ed. Code 52242

Ed. Code 54444.2

Ed. Code 56301

Ed. Code 56321

Ed. Code 56321.5-56321.6

Ed. Code 56329

Ed. Code 56341.1

Ed. Code 56341.5

Ed. Code 56343.5

Ed. Code 56366.45

Ed. Code 56521.1

Ed. Code 58501

Ed. Code 60615

Ed. Code 60641

Ed. Code 60900.5

Ed. Code 69432.9

Ed. Code 8212

Ed. Code 8483

Ed. Code 8489

Ed. Code 8489.1

H&S Code 104420

H&S Code 104855

H&S Code 116277

H&S Code 120365-120375

H&S Code 120440

H&S Code 124100-124105

H&S Code 1596.8555

H&S Code 1596.857

H&S Code 1597.16

Pen. Code 626.81

Pen. Code 627.5

W&I Code 10228

Description

Local control and accountability plans and the statewide system of support

Language census

Census-taking methods; determination of primary language; assessment of language skills

Reassessment of English learners; notification of results

Advanced placement examination fees

Migrant education programs; parent involvement

Child-find system; policies regarding written notification rights

Special education: proposed assessment plan

Notice of parent rights pertaining to special education

Written notice of right to findings; independent assessment

Development of individualized education program; right to audio record meeting

Individualized education program team meetings

Individualized education program meetings

Change in status of a nonpublic, nonsectarian school or agency

Behavioral intervention

Alternative schools; notice required prior to establishment

Exemption from state assessment

California Assessment of Student Performance and Progress

Use of CalPADS data

Submission of grade point average to Cal Grant program

Complaints related to preschool health and safety issues

Before/after school program; enrollment priorities

Expulsion and suspension procedures in childcare and development services programs

Expulsion and suspension procedures in childcare and development services programs

Tobacco use prevention

Availability of topical fluoride treatment

Lead testing of potable water at schools and requirements to remedy

Immunizations

Sharing immunization information

Health screening and immunizations

Administration of child day care licensing; posting license

Right to enter child care facility

Licensed child care centers; lead testing

Notice of permission granted to sex offender to volunteer on campus

Hearing request following denial or revocation of registration

Child care providers; posting of rates, discounts, and scholarships

Federal References

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1232h	Privacy rights
20 USC 1415	Procedural safeguards
20 USC 6311	State plan
20 USC 6312	Local educational agency plan
20 USC 6318	Parent and family engagement
20 USC 7704	Impact Aid; policies and procedures related to children residing on Indian lands
20 USC 7908	Armed forces recruiter access to students
34 CFR 104.32	District responsibility to provide free appropriate public education
34 CFR 104.36	Procedural safeguards
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 200.48	Teacher qualifications
34 CFR 222.94	Impact Aid; district responsibilities
34 CFR 300.300	Parent consent for special education evaluation
34 CFR 300.322	Parent participation in IEP team meetings
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 300.503	Prior written notice regarding identification, evaluation, or placement of student with disability
34 CFR 300.504	Procedural safeguards notice for students with disabilities
34 CFR 300.508	Due process complaint
34 CFR 300.530	Discipline procedures
34 CFR 99.30	Disclosure of personally identifiable information
34 CFR 99.34	Student records; disclosure to other educational agencies
34 CFR 99.37	Disclosure of directory information
34 CFR 99.7	Student records; annual notification
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act
42 USC 1758	Child nutrition programs
7 CFR 245.5	Eligibility criteria for free and reduced-price meals
7 CFR 245.6a	Verification of eligibility for free and reduced-price meals

Management Resources References

U.S. Department of Agriculture Publication	Civil Rights Compliance and Enforcement -- Nutrition Programs and Services, FNS Instruction 113-1, 2005
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Agriculture, Food and Nutrition Service

Cross References

0410	Nondiscrimination In District Programs And Activities
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Cross References	Description
0450	<u>Comprehensive Safety Plan</u>
0450	<u>Comprehensive Safety Plan</u>
0460	<u>Local Control And Accountability Plan</u>
0460	<u>Local Control And Accountability Plan</u>
0510	<u>School Accountability Report Card</u>
1240	<u>Volunteer Assistance</u>
1240	<u>Volunteer Assistance</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
3231	<u>Impact Aid</u>
3260	<u>Fees And Charges</u>
3260	<u>Fees And Charges</u>
3312	<u>Contracts</u>
3513.3	<u>Tobacco-Free Schools</u>
3513.3	<u>Tobacco-Free Schools</u>
3514	<u>Environmental Safety</u>
3514	<u>Environmental Safety</u>
3514.2	<u>Integrated Pest Management</u>
3515.5	<u>Sex Offender Notification</u>
3515.5	<u>Sex Offender Notification</u>
3517	<u>Facilities Inspection</u>
3517-E(1)	<u>Facilities Inspection</u>
3543	<u>Transportation Safety And Emergencies</u>
3550	<u>Food Service/Child Nutrition Program</u>
3550	<u>Food Service/Child Nutrition Program</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3551	<u>Food Service Operations/Cafeteria Fund</u>
3553	<u>Free And Reduced Price Meals</u>
3553	<u>Free And Reduced Price Meals</u>
3555	<u>Nutrition Program Compliance</u>
3555-E(1)	<u>Nutrition Program Compliance</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4219.21	<u>Professional Standards</u>
4219.21-E(1)	<u>Professional Standards</u>
4222	<u>Teacher Aides/Paraprofessionals</u>

Cross References**Description**

4222	<u>Teacher Aides/Paraprofessionals</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
5000	<u>Concepts And Roles</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5022	<u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u>
5030	<u>Student Wellness</u>
5111	<u>Admission</u>
5111	<u>Admission</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5112.2	<u>Exclusions From Attendance</u>
5112.5	<u>Open/Closed Campus</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5116.2	<u>Involuntary Student Transfers</u>
5117	<u>Interdistrict Attendance</u>
5117	<u>Interdistrict Attendance</u>
5119	<u>Students Expelled From Other Districts</u>
5123	<u>Promotion/Acceleration/Retention</u>
5123	<u>Promotion/Acceleration/Retention</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5125.2	<u>Withholding Grades, Diploma Or Transcripts</u>
5125.3	<u>Challenging Student Records</u>
5131.61	<u>Drug Testing</u>
5132	<u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.3	<u>Health Examinations</u>

Cross References**Description**

5141.3	<u>Health Examinations</u>
5141.31	<u>Immunizations</u>
5141.31	<u>Immunizations</u>
5141.32	<u>Health Screening For School Entry</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>
5142.1	<u>Identification And Reporting Of Missing Children</u>
5143	<u>Insurance</u>
5143	<u>Insurance</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5144.4	<u>Required Parental Attendance</u>
5144.4	<u>Required Parental Attendance</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.7	<u>Sexual Harassment</u>
5145.8	<u>Refusal To Harm Or Destroy Animals</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6111	<u>School Calendar</u>
6112	<u>School Day</u>
6112	<u>School Day</u>
6117	<u>Year-Round Schedules</u>
6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u>
6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u>
6142.2	<u>World Language Instruction</u>
6142.2	<u>World Language Instruction</u>

Cross References

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Description

Comprehensive Health Education
Comprehensive Health Education
Courses Of Study
Courses Of Study
Athletic Competition
Athletic Competition
High School Graduation Requirements
Alternative Credits Toward Graduation
Alternative Credits Toward Graduation
Certificate Of Proficiency/High School Equivalency
Certificate Of Proficiency/High School Equivalency
Certificate Of Proficiency/High School Equivalency
Homework/Makeup Work
Independent Study
Independent Study
Individualized Education Program
Individualized Education Program
Procedural Safeguards And Complaints For Special Education
Procedural Safeguards And Complaints For Special Education
Nonpublic, Nonsectarian School And Agency Services For Special Education
Nonpublic, Nonsectarian School And Agency Services For Special Education
Behavioral Interventions For Special Education Students
State Academic Achievement Tests
State Academic Achievement Tests
Research
Research
Guidance/Counseling Services
Identification And Evaluation Of Individuals For Special Education
Identification And Evaluation Of Individuals For Special Education
Identification And Education Under Section 504
Identification And Education Under Section 504
Transitional Kindergarten
Education For Homeless Children
Education For Homeless Children
Education For Homeless Children
Education For Homeless Children
Education For Foster Youth
Education For Foster Youth
Education For Juvenile Court School Students
Education For American Indian Students

Cross References

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DescriptionMigrant Education ProgramMigrant Education ProgramCareer Technical EducationCareer Technical EducationAlternative Schools/Programs Of ChoiceAlternative Schools/Programs Of ChoiceHome And Hospital InstructionContinuation EducationContinuation EducationEvaluation Of The Instructional ProgramBoard Policies

Policy 6000: Concepts And Roles

Status: ADOPTED

Original Adopted Date: 09/01/1992 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board desires to provide a comprehensive, research-based curriculum in a supportive, positive, and engaging manner that motivates every student to succeed. The district's educational program shall provide students with rigorous opportunities to attain the academic, social and emotional skills, knowledge, and abilities they need to be successful in school, postsecondary education and/or employment, and develop to their full potential.

Strategies for improving the educational program shall take into consideration the needs of individual students and subpopulations of students, including, but not limited to, social, emotional, and behavioral needs. Students who are failing or at risk of failing to meet academic standards shall be provided with alternative programs and/or supplemental assistance designed to raise achievement.

Parents/guardians are critical partners in their children's education and shall be provided with opportunities to be meaningfully involved both in support of their children's education program at school and with learning at home.

The district's goal of student success may be achieved through regional coordination, collaboration, and alignment between the school, parents/guardians, and the community, including district support for innovative programs and practices that promote student engagement, growth, understanding, achievement, and career exploration.

To support the district's educational program, the Board shall:

1. Establish standards of student achievement for core subjects at each grade level that are aligned with the district's vision for student learning, the specific needs and strengths of the students, the expectations of parents/guardians and the community, and available resources
2. Establish graduation requirements
3. Ensure that a process is in place, involving teachers, administrators, students, and parents/guardians, for the development and review of the district's curriculum
4. Adopt the district curriculum and courses of study to be offered
5. Adopt textbooks and other instructional materials
6. Support the professional staff's implementation of the curriculum by providing consistent policy direction, allocating resources based on educational program priorities, ensuring that collective bargaining agreements do not constrain the district's ability to achieve curricular goals, recognizing staff accomplishments, and including reasonable annual goals related to student learning in the Superintendent evaluation process
7. Provide a continuing program of professional development to keep instructional staff, administrators, and Board members updated about current issues and research pertaining to curriculum, instructional strategies, and student assessment
8. Review and evaluate the educational program on the basis of state and federal accountability measures, disaggregated student achievement data, and other indicators and ensure that evaluation results are used to improve programs, curriculum, and/or instructional practices as necessary to enhance student achievement
9. Communicate clear information about district instructional goals, programs, and progress in student achievement to the community and media

The Superintendent or designee shall:

1. Review research related to curriculum issues
2. Select and/or develop curricula for recommendation to the Board in accordance with the district's curriculum development and review process
3. Ensure the articulation of the curriculum between grade levels and with postsecondary education and the

workplace

4. Determine the general methods of instruction to be used
5. Assign instructors and schedule classes for all curricular offerings
6. Recommend instructional materials to the Board and direct the purchase of approved materials and equipment
7. Evaluate and report to the Board on student achievement as demonstrated through testing and other types of appraisal, and recommend necessary changes in curriculum, programs, and instruction as indicated by student performance data

Comparability in Instruction

The district shall provide comparable educational opportunities for all students. Instruction in the core curriculum shall be in no way diminished when students receive supplementary services funded by special governmental programs. Services funded by any categorical program shall supplement, not supplant, the district-provided core curriculum and any services which may be provided by other categorical programs.

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 3940	Maintenance of effort
5 CCR 4424	Comparability of services
Ed. Code 51000-51009	<u>Legislative intent; educational program</u>

Federal References

	Description
20 USC 6321	Fiscal requirements/comparability of services

Management Resources References

	Description
California Department of Education Publication	<u>California State Plan for Career Technical Education: A Vision for Equity and Excellence in CTE, March 2023</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>

Cross References

	Description
0410	<u>Nondiscrimination In District Programs And Activities</u>
0500	<u>Accountability</u>
0510	<u>School Accountability Report Card</u>
1100	<u>Communication With The Public</u>
1112	<u>Media Relations</u>
1312.2	<u>Complaints Concerning Instructional Materials</u>
1312.2	<u>Complaints Concerning Instructional Materials</u>
1312.2-E(1)	<u>Complaints Concerning Instructional Materials</u>
1700	<u>Relations Between Private Industry And The Schools</u>
2140	<u>Evaluation Of The Superintendent</u>
3100	<u>Budget</u>

Cross References	Description
3100	Budget
3512	Equipment
3512-E(1)	Equipment
4113	Assignment
4113	Assignment
4131	Staff Development
4143	Negotiations/Consultation
4222	Teacher Aides/Paraprofessionals
4222	Teacher Aides/Paraprofessionals
4243	Negotiations/Consultation
4331	Staff Development
5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5131.9	Academic Honesty
6011	Academic Standards
6020	Parent Involvement
6020	Parent Involvement
6112	School Day
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6117	Year-Round Schedules
6120	Response To Instruction And Intervention
6141	Curriculum Development And Evaluation
6141	Curriculum Development And Evaluation
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6142.4	Service Learning/Community Service Classes
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6159	Individualized Education Program
6159	Individualized Education Program
6161.1	Selection And Evaluation Of Instructional Materials
6161.1	Selection And Evaluation Of Instructional Materials
6161.1-E(1)	Selection And Evaluation Of Instructional Materials

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6161.11	Supplementary Instructional Materials
6162.5	Student Assessment
6162.51	State Academic Achievement Tests
6162.51	State Academic Achievement Tests
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6171	Title I Programs
6171	Title I Programs
6172	Gifted And Talented Student Program
6172	Gifted And Talented Student Program
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6174	Education For English Learners
6174	Education For English Learners
6175	Migrant Education Program
6175	Migrant Education Program
6176	Weekend/Saturday Classes
6177	Summer Learning Programs
6178.1	Work-Based Learning
6178.1	Work-Based Learning
6179	Supplemental Instruction
6181	Alternative Schools/Programs Of Choice
6181	Alternative Schools/Programs Of Choice
6183	Home And Hospital Instruction
6184	Continuation Education
6184	Continuation Education
6190	Evaluation Of The Instructional Program
9000	Role Of The Board
9240	Board Training
9310	Board Policies

Policy 6164.2: Guidance/Counseling Services

Status: ADOPTED

Original Adopted Date: 11/01/2007 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board recognizes that a structured, coherent, and comprehensive counseling program promotes academic achievement and growth, and serves the diverse needs of district students. The district shall provide an educational counseling program that offers students services and supports within a Multi-Tiered Systems of Support (MTSS) framework, in accordance with law. Counseling staff shall be available to provide students with individualized reviews of their educational progress toward academic and/or career and vocational goals and, as appropriate, may discuss social, personal, or other issues that may impact student learning and well-being.

The Superintendent or designee shall ensure that all persons employed to provide direct school counseling, school psychology, school social work services, child welfare and attendance services, and/or to implement equitable school programs and services that support students' academic and social and emotional development and college and career readiness possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of such positions shall be clearly defined in a job description.

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing all students with direct services, such as individual counseling, group counseling, risk assessment, crisis response, and instructional services, including mental health and behavioral, academic, and postsecondary educational services, and indirect services, including but not limited to, positive school climate strategies, teacher and parent/guardian consultations, and referrals to public and private community services
2. Planning, implementing, and evaluating school counseling programs
3. Working within a MTSS that uses multiple data sources to monitor and improve student behavior, attendance, engagement, and achievement
4. Developing, coordinating, and supervising comprehensive student support systems in collaboration with teachers, administrators, other pupil personnel services professionals, families, community partners, and community agencies, including county mental health agencies
5. Promoting and maintaining a safe learning environment for all students by providing restorative practices, positive behavior interventions, and support services and by developing and responding with a variety of intervention strategies to meet individual, group, and school community needs before, during, and after a crisis
6. Intervening to ameliorate school-related problems, including problems related to chronic absences and retention
7. Using research-based strategies to promote mental wellness, reduce mental health stigma, and to identify characteristics, risk factors, and warning signs of students who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, including mistreatment related to any form of conflict or bullying
8. Improving school climate and student well-being by addressing the mental and behavioral health needs of students during a period of transition, separation, heightened stress, and critical changes, accessing community programs and services to meet those needs, and providing other appropriate services
9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs
10. Providing counseling services for unduplicated students who are classified as English learners, eligible for free and reduced-priced meals, foster youth, and/or experiencing homelessness, including interventions and support services that enhance equity and access to appropriate education systems and public and private services

11. Engaging in continued development as a professional school counselor

Educational And Career Counseling

Beginning in grade 7, parents/guardians shall receive a general notice at least once before career counseling and course selection so that they may participate in the counseling sessions and decisions. (Education Code 221.5)

The educational counseling program shall include academic counseling and postsecondary services, in the following areas (Education Code 49600):

1. Development and implementation, with parent/guardian involvement, of the student's immediate and long-range educational plans
2. Optimizing progress towards achievement of proficiency standards and competencies
3. Completion of the required curriculum in accordance with the student's needs, abilities, interests, and aptitudes
4. Academic planning for access and success in higher education programs, including advisement on courses needed for admission to colleges and universities, standardized admissions tests, and financial aid
5. High-quality career programs at all grade levels in which students are assisted in doing all of the following:
 - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
 - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
 - c. Developing work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on quality of life
 - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
 - e. Understanding the value of participating in career technical education pathways, programs, and certifications, including, but not limited to, those related to regional occupational programs and centers, the federal program administered by the U. S. Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based learning, industry certifications, college preparation and credit, and employment opportunities
 - f. Understanding the need to develop essential employable skills and work habits
 - g. Understanding entrance requirements to the U.S. Armed Forces, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

The district's educational counseling program also may include, but not be limited to, identification of students who are at risk of not graduating with their peers, development of a list of coursework and experience necessary to assist students to satisfy the curricular requirements for college admission and successfully transition to postsecondary education or employment, and counseling regarding available options for students who fail to meet graduation requirements to continue with their education.

The Superintendent or designee shall establish and maintain a program of guidance, placement, and follow-up for all high school students subject to compulsory continuation education. (Education Code 48431)

To enhance the educational counseling program and assist students in reaching their educational and professional goals, the district shall provide students in grades 9-12 with financial aid support; social services support; state-funded immigration legal services; academic opportunities; and parent/guardian and family workshops. (Education

Code 54680, 54683)

As part of the district's educational counseling program, students may be offered mental and behavioral health services under which a student may receive prevention, intervention, short-term counseling services, and mental health related classroom instruction to reduce stigma and increase awareness of counseling support services.

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in law or Board Policy 0410 - Nondiscrimination in District Programs and Activities.

Additionally, counselors shall affirmatively explore with a student the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students, unless such different materials cover the same occupations and interest areas and the use of such materials is essential to the elimination of bias and discrimination. (5 CCR 4931)

OPTION 1: (Districts with policy that permits college, employment, and military recruiters access to students)

Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

OPTION 1 ENDS HERE

OPTION 2: (Districts with policy that prohibits college, employment, and military recruiters access to students)

Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)

OPTION 2 ENDS HERE

The Superintendent or designee shall collaborate with businesses, government agencies, postsecondary institutions including universities and career technical schools, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities through college and/or career fairs.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time, and location of the college or career fair. (Labor Code 3074.2)

Additionally, the district shall provide the notification to any community college district that has overlapping jurisdiction with the district and an opportunity for the community college district to participate in the college or career fair. (Education Code 52770)

Personal or Mental Health Counseling

A school counselor, school psychologist, or school social worker may provide individualized personal, mental health, or family counseling to students in accordance with the specialization(s) authorized by their credential. Such services may include, but are not limited to, support related to the student's social and emotional development, behavior, substance abuse, mental health assessment, depression, or mental illness. As appropriate, students and their parents/guardians shall be informed about community agencies, organizations, or health care providers that offer qualified professional assistance.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6924, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by the student's parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever there is uncertainty regarding how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the emergency and disaster preparedness plan and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

Additionally, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Teacher-Based Advisory Program

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to law and this Board policy, including requirements pertaining to student confidentiality and nondiscrimination.

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

State References

5 CCR 4930-4931

5 CCR 80049-80049.1

5 CCR 80632-80632.5

Ed. Code 221.5

Ed. Code 44266

Ed. Code 48431

Ed. Code 49600-49604

Ed. Code 51250-51251

Ed. Code 51513

Ed. Code 52770

Ed. Code 54680-54685

Fam. Code 6920-6930

Description

Counseling

Pupil Personnel Services credential

Preparation programs for Pupil Personnel Services

Equal opportunity

Pupil Personnel Services credential

Establishing and maintaining high school guidance and placement program

Educational counseling

Assistance to military dependents

Personal beliefs

College and career fairs; community college districts

Dream Resource Center Grant Program

Consent by minor for medical treatment

State References

Gov. Code 7927.700
 H&S Code 124260
 Lab. Code 3074.2
 Pen. Code 11166-11170
 W&I Code 5850-5883

Description

[Exemption for personnel records if invasion of personal privacy](#)
[Mental health services; consent by minors age 12 and older](#)
[College and career fairs; notice to apprenticeship programs](#)
[Reporting known or suspected cases of child abuse](#)
[Mental Health Services Act](#)

Federal References

10 USC 503
 20 USC 1232g
 20 USC 7908
 34 CFR 99.1-99.67

Description

[Military recruiter access to directory information](#)
[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
[Armed forces recruiter access to students and student recruiting information](#)
[Family Educational Rights and Privacy](#)

Management Resources References

California Department of Education Publication
 U.S. Department of Education Publication
 Website
 Website
 Website
 Website
 Website
 Website
 Website

Description

[California Results-Based School Counseling and Student Support Guidelines, 2007](#)
[Protecting Student Privacy: Frequently Asked Questions](#)
[California Division of Apprenticeship Standards](#)
[CSBA District and County Office of Education Legal Services](#)
[California Association of School Counselors](#)
[American School Counselor Association](#)
[U.S. Department of Education, access to military recruiters](#)
[Commission on Teacher Credentialing](#)
[California Department of Education](#)
[CSBA](#)

Cross References

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Description

[Nondiscrimination In District Programs And Activities](#)
[Equity](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Local Control And Accountability Plan](#)
[Local Control And Accountability Plan](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
[Relations Between Other Governmental Agencies And The Schools](#)
[Campus Security](#)
[Campus Security](#)
[Emergencies And Disaster Preparedness Plan](#)

Cross References	Description
3516	<u>Emergencies And Disaster Preparedness Plan</u>
3516.2	<u>Bomb Threats</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4131	<u>Staff Development</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
5022	<u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.11	<u>Attendance Supervision</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E(1)	<u>Release Of Directory Information</u>
5131	<u>Conduct</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.6	<u>Alcohol And Other Drugs</u>
5136	<u>Gangs</u>
5136	<u>Gangs</u>
5137	<u>Positive School Climate</u>
5138	<u>Conflict Resolution/Peer Mediation</u>
5141.22	<u>Infectious Diseases</u>
5141:22	<u>Infectious Diseases</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.5	<u>Mental Health</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>

Cross References	Description
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5145.9	<u>Hate-Motivated Behavior</u>
5147	<u>Dropout Prevention</u>
6120	<u>Response To Instruction And Intervention</u>
6141.4	<u>International Baccalaureate Program</u>
6141.5	<u>Advanced Placement</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>
6146.2	<u>Certificate Of Proficiency/High School Equivalency</u>
6146.2	<u>Certificate Of Proficiency/High School Equivalency</u>
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6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6171	<u>Title I Programs</u>
6171	<u>Title I Programs</u>
6172	<u>Gifted And Talented Student Program</u>
6172	<u>Gifted And Talented Student Program</u>
6173	<u>Education For Homeless Children</u>
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6173-E(1)	<u>Education For Homeless Children</u>
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6173.1	<u>Education For Foster Youth</u>
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6173.4	<u>Education For American Indian Students</u>
6175	<u>Migrant Education Program</u>
6175	<u>Migrant Education Program</u>
6178	<u>Career Technical Education</u>
6178	<u>Career Technical Education</u>
6178.2	<u>Regional Occupational Center/Program</u>
6184	<u>Continuation Education</u>
6184	<u>Continuation Education</u>
6185	<u>Community Day School</u>
6185	<u>Community Day School</u>
6200	<u>Adult Education</u>
6200	<u>Adult Education</u>

Policy 6177: Summer Learning Programs

Status: ADOPTED

Original Adopted Date: 04/01/2013 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

The Governing Board recognizes that an extended break from the instructional program may result in significant learning loss, especially among disadvantaged and low-achieving students, and desires to provide opportunities during the summer for students to practice essential skills, make academic progress, and focus on developing social, emotional, and physical needs and interests through hands-on engaging learning experiences.

Summer programs offered by the district shall be aligned with the district's local control and accountability plan (LCAP), other applicable district and school plans, and the educational program provided during the school year. When feasible, summer programs shall blend high-quality academic instruction in core curricular and/or elective subjects with recreation, nutrition programs, social and emotional development, and support services that encourage attendance, student engagement in learning, and student wellness.

Summer School

OPTION 1 (District is not required to offer summer school)

The Superintendent or designee, with Board approval, may establish summer school day and/or evening classes.

OPTION 1 ENDS HERE

OPTION 2 (District is required to offer summer school pursuant to Education Code 46120)

The Superintendent or designee shall establish summer school classes pursuant to Education Code 46120.

OPTION 2 ENDS HERE

The district's summer school program may be used to provide supplemental instruction to students needing remediation and/or enrichment in core academic subjects.

The district shall provide students with supplemental instruction and support in a tiered framework that bases universal, targeted, and intensive supports on students' needs for academic, social-emotional, and other integrated student supports through a program of engaging learning experiences in a positive school climate.

As appropriate, priority for enrollment in summer school programs shall be given to district students who:

1. Need course credits in order to graduate from high school before the beginning of the next school year
2. Have been retained or are at risk of being retained at their grade level
3. Demonstrate academic deficiencies in core curriculum areas
4. Are in student groups identified in the district's LCAP as needing increased or improved services to succeed in the educational program
5. Are foster youth and/or are students experiencing homelessness

If during an intersession period the student will be moving, the student's educational rights holder or, in the case of an American Indian child, Indian custodian, shall determine which school the student attends for the intersession period, if applicable. (Education Code 48850, 48853.5)

6. Are transitional kindergarten or kindergarten children, or in any of grades 1-6 and are required to be offered or provided access to Expanded Learning Opportunities (ELO) Programs pursuant to Education Code 46120 and BP/AR 5184.2 - Before/After School Programs

OPTION 1: (First-come first-served)

The remaining openings shall be offered to other district students on a first-come first-served basis.

OPTION 1 ENDS HERE

OPTION 2: (Lottery)

The remaining openings shall be offered to other district students on a lottery basis.

OPTION 2 ENDS HERE

Because summer courses cover extensive instructional content in a relatively short time period, students who have more than three excused absences or one unexcused absence may not receive credit for summer session class(es) unless they make-up missed work in accordance with law, Board policy, and administrative regulation.

Sites for summer school programs may be rotated in an effort to make summer school programs more accessible to all students, regardless of residence or regular attendance area, and to accommodate the maintenance needs of district schools.

The district shall provide any student who attends a school that is not operating an ELO program transportation to attend at a location that is providing an ELO program and to return to the original location or another location that is established by the district. (Education Code 46120)

The Superintendent or designee shall annually report to the Board on summer school enrollment in the current year and previous year for the program as a whole and disaggregated by grade level, school that the students attend during the regular school year, and student population. In addition, the Superintendent or designee may report on the extent to which students successfully achieved the outcomes established for the program.

Additional Summer Learning Opportunities

The Superintendent or designee may collaborate with parents/guardians, city and county agencies, community organizations, child care providers, and/or other interested persons to develop, implement, and build awareness of organized activities that support summer learning.

Strategies to support summer learning may include, but are not limited to:

1. Providing information to students and parents/guardians about summer reading programs scheduled to be conducted by public libraries or community organizations
2. Collaborating with the local parks and recreation agency and/or community organizations to provide day camps, sports programs, or other opportunities for physical education and activity
3. Collaborating with workforce development agencies, businesses, and community organizations to provide summer job training opportunities that include an academic component
4. Encouraging reading in the home, such as providing lists of recommended reading to students and parents/guardians, establishing a target number of books or pages, and providing prizes for achievement of reading goals
5. Assigning summer vacation homework in core curricular subject(s) for extra credit
6. Conducting occasional, interactive "fun days" during the summer to provide activities related to art, music, science, technology, mathematics, environmental science, multicultural education, debate, or other subject
7. Arranging opportunities for community service

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 11470-11472	Summer school
5 CCR 3043	Extended school year; special education students
Ed. Code 37252-37254.1	Supplemental instruction
Ed. Code 39837	Transportation to summer employment program
Ed. Code 41422	Conditions Disqualifying School Districts from Apportionments
Ed. Code 41505-41508	Pupil Retention Block Grant
Ed. Code 41976.5	Summer school programs; substantially disabled persons or graduating high school seniors
Ed. Code 42238.01-42238.07	Local control funding formula
Ed. Code 43520-43525	In-Person Instruction and Expanded Learning Opportunities Grants
Ed. Code 46120	Expanded Learning Opportunities Program
Ed. Code 48070-48070.5	Promotion and retention
Ed. Code 48850-48859	Students in foster care and students experiencing homelessness
Ed. Code 51210	Course of study for grades 1-6
Ed. Code 51220	Course of study for grades 7-12
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 52052	Accountability; numerically significant student subgroups
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 54444.3	Summer program for migrant students
Ed. Code 56345	Individualized education program contents
Ed. Code 58700-58702	Credit towards summer school apportionments for tutoring and homework assistance
Ed. Code 58806	Summer school apportionments
Ed. Code 8482-8484.6	After School Education and Safety Program
Ed. Code 8484.7-8484.9	21st Century Community Learning Centers

Federal References

	Description
20 USC 6311-6322	Improving basic programs for disadvantaged students
20 USC 7171-7176	21st Century Community Learning Centers

Management Resources References

	Description
CSBA Publication	Supporting the Summer Learning Strategy to Boost Student Achievement, Fact Sheet, December 2015
CSBA Publication	Summer and STEAM Make an Ideal Match, Governance Brief, November 2016
CSBA Publication	Summer Learning: As Easy as 1, 2, 3, January 2016
CSBA Publication	Putting STEAM into Your District's Summer: A Guide to Regional Partners and Resources in California, February 2018
CSBA Publication	Putting STEAM into Your District's Summer: A Planning Guide for School District Governance Teams, January 2018

Management Resources References**Description**

CSBA Publication	School's Out, Now What? How Summer Programs Are Improving Student Learning and Wellness, Policy Brief, April 2013
National Summer Learning Association Publication	Every Summer Counts: A Longitudinal Analysis of Outcomes from the National Summer Learning Project, December 2020
National Summer Learning Association Publication	2021 California Summer Learning Guide: Investing in Resilience and Relationships, March 2021
Partnership for Children & Youth Publication	Summer 2022: How California schools are making the most of new increased state investments, January 2023
Rand Corporation Publication	Making Summer Count: How Summer Programs Can Boost Children's Learning, 2011
Website	CSBA District and County Office of Education Legal Services
Website	National Summer Learning Association
Website	RAND Corporation
Website	Summer Matters
Website	Partnership for Children and Youth
Website	California Department of Education
Website	CSBA

Cross References**Description**

0200	Goals For The School District
0460	Local Control And Accountability Plan
0460	Local Control And Accountability Plan
1330.1	Joint Use Agreements
1400	Relations Between Other Governmental Agencies And The Schools
1700	Relations Between Private Industry And The Schools
3260	Fees And Charges
3260	Fees And Charges
3552	Summer Meal Program
3552	Summer Meal Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5030	Student Wellness
5113	Absences And Excuses
5113	Absences And Excuses
5113.2	Work Permits
5113.2	Work Permits
5123	Promotion/Acceleration/Retention
5123	Promotion/Acceleration/Retention
5141.6	School Health Services
5141.6	School Health Services
5147	Dropout Prevention
5148.2	Before/After School Programs

Cross References

5148.2

6000

6011

6020

6020

6111

6142.4

6142.7

6142.7

6142.91

6143

6143

6146.1

6154

6159

6159

6164.5

6164.5

6171

6171

6173

6173

6173-E(1)

6173-E(2)

6173.1

6173.1

6173.4

6175

6175

6176

6178.1

6178.1

6179

DescriptionBefore/After School ProgramsConcepts And RolesAcademic StandardsParent InvolvementParent InvolvementSchool CalendarService Learning/Community Service ClassesPhysical Education And ActivityPhysical Education And ActivityReading/Language Arts InstructionCourses Of StudyCourses Of StudyHigh School Graduation RequirementsHomework/Makeup WorkIndividualized Education ProgramIndividualized Education ProgramStudent Success TeamsStudent Success TeamsTitle I ProgramsTitle I ProgramsEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Homeless ChildrenEducation For Foster YouthEducation For Foster YouthEducation For American Indian StudentsMigrant Education ProgramMigrant Education ProgramWeekend/Saturday ClassesWork-Based LearningWork-Based LearningSupplemental Instruction

Policy 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

The Governing Board recognizes that school facilities are an essential component of the educational program and that the Board has a responsibility to ensure that the district's facilities needs are met in the most cost-effective manner possible. The Board may direct the Superintendent to explore the possibility of a bond measure, which may include, but is not limited to, conducting community focus groups, surveys, and Board presentations. When the Board determines that it is in the best interest of district students, it may order an election on the question of whether bonds shall be issued to pay for school facilities.

The Board's decision to order a bond election, as well as its determinations regarding the appropriate amount, timing, and structure of the bond issuance, shall be consistent with law and the district's debt management policy.

Before ordering a bond election, the Board shall obtain reasonable and informed projections of assessed valuations that take into consideration projections of assessed property valuations made by the county assessor. (Education Code 15100)

When any project to be funded by bonds will require state matching funds for any phase of the project, the ballot materials for the bond measure shall include a statement as specified in Education Code 15122.5, advising voters that, because the project is subject to approval of state matching funds, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Bonds Requiring 55 Percent Approval by Local Voters

The Board, by a two-thirds vote and subject to Education Code 15100, may adopt a resolution to incur bonded indebtedness and order an election. Pursuant to the California Constitution, Article 13A, Section 1(b)(3) and Article 16, Section 18(b), a bond election authorized pursuant to Education Code 15266 requires the approval of at least a 55 percent majority of the voters voting in the election. (Education Code 15266)

The bond election may only be ordered at a primary or general election, a statewide special election, or a regularly scheduled local election at which all of the electors of the district are entitled to vote. (Education Code 15266)

Bonded indebtedness incurred by the district pursuant to Education Code 15266 shall be used only for the following purposes: (California Constitution Article 13A, Section 1(b)(3) and 1(b)(3)(A))

1. The construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities
2. The acquisition or lease of real property for school facilities
3. The refunding of any outstanding debt issuance used for the purposes specified in Items #1-2 above

The proposition approved by the voters shall include the following accountability requirements: (California Constitution Article 13A, Section 1(b)(3))

1. Certification that proceeds from the sale of the bonds will be used only for the purposes specified in Items #1-2 above, and not for any other purposes including teacher and administrative salaries and other school operating expenses
2. A list of specific school facilities projects to be funded and certification that the Board has evaluated safety, class size reduction, and information technology needs in developing that list
3. A requirement that the Board conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed
4. A requirement that the Board conduct an annual, independent financial audit of the proceeds from the sale of

the bonds until all of those proceeds have been expended for the school facilities projects

If a district general obligation bond requiring a 55 percent majority is approved by the voters, the Board shall appoint an independent citizens' oversight committee to inform the public concerning the expenditure of bond revenues as specified in Education Code 15278 and the accompanying administrative regulation. This committee shall be appointed within 60 days of the date that the Board enters the election results in its minutes pursuant to Education Code 15274. (Education Code 15278)

The Superintendent or designee shall ensure that the annual, independent performance and financial audits required pursuant to Items #3-4 above are issued in accordance with the U.S. Comptroller General's Government Auditing Standards and submitted to the citizens' oversight committee at the same time they are submitted to the Superintendent or designee and no later than March 31 of each year. (Education Code 15286)

The Board shall provide the citizens' oversight committee with responses to all findings, recommendations, and concerns addressed in the performance and financial audits within three months of receiving the audits. (Education Code 15280)

The Board may disband the citizens' oversight committee when the committee has completed its review of the final performance and financial audits.

Bonds Requiring 66.67 Percent Approval by Local Voters

The Board may decide to pursue the authorization and issuance of bonds by approval of 66.67 percent majority of the voters pursuant to Education Code 15100 and California Constitution, Article 13A, Section 1(b)(2). If a majority of the Board agrees to such an election, or upon a petition of the majority of the qualified electors residing in the district, the Board shall adopt a resolution ordering an election on the question of whether to incur bonded indebtedness if approved by a 66.67 percent majority of the voters. (Education Code 15100)

The bond election may be ordered to occur on any Tuesday, except a Tuesday that is a state holiday or the day before or after a state holiday, is within 45 days before or after a statewide election unless conducted at the same time as the statewide election, or is an established election date pursuant to Elections Code 1000 or 1500. (Education Code 15101)

Subject to limits specified in Article 13A, Section 1 of the California Constitution, bonds shall be sold to raise money for any of the following purposes: (Education Code 15100)

1. Purchasing school lots
2. Building or purchasing school buildings
3. Making alterations or additions to school building(s) other than as may be necessary for current maintenance, operation, or repairs
4. Repairing, restoring, or rebuilding any school building damaged, injured, or destroyed by fire or other public calamity
5. Supplying school buildings and grounds with furniture, equipment, or necessary apparatus of a permanent nature
6. Permanently improving school grounds
7. Refunding any outstanding valid indebtedness of the district, evidenced by bonds or state school building aid loans
8. Carrying out sewer or drain projects or purposes authorized in Education Code 17577
9. Purchasing school buses with a useful life of at least 20 years

10. Demolishing or razing any school building with the intent to replace it with another school building, whether in the same location or in any other location

Except for refunding any outstanding indebtedness, any of the purposes listed above may be united and voted upon as a single proposition by an order of the Board entered into the minutes. (Education Code 15100)

The Board may appoint a citizens' oversight committee to review and report to the Board and the public as to whether the expenditure of bond revenues complies with the intended purposes of the bond.

Certificate of Results

If the certificate of election results received by the Board shows that the appropriate majority of the voters is in favor of issuing the bonds, the Board shall record that fact in its minutes. The Board shall then certify to the County Board of Supervisors all proceedings it had in connection with the election results. (Education Code 15124, 15274)

Resolutions Regarding Sale of Bonds

Following passage of the bond measure by the appropriate majority of voters, the Board shall pass a resolution directing the issuance and sale of bonds. In accordance with law, the resolution shall prescribe the total amount of bonds to be sold and may also prescribe the maximum acceptable interest rate, not to exceed eight percent, and the time(s) when the whole or any part of the principal of the bonds shall be payable. (Education Code 15140; Government Code 53508.6)

In passing the resolution, the Board shall consider each available funding instrument, including, but not limited to, the costs associated with each and their relative suitability for the project to be financed.

Prior to the sale of bonds, the Board shall place an agenda item at a public meeting and adopt as part of the bond issuance resolution, or in a separate resolution, disclosures of the available funding instruments, the costs and sustainability of each, and all of the following information: (Education Code 15146)

1. Express approval of the method of sale, such as competitive or negotiated sales
2. Statement of the reasons for the method of sale selected
3. Disclosure of the identity of the bond counsel, and the identities of the bond underwriter and the financial adviser if either or both are utilized for the sale, unless these individuals have not been selected at the time the resolution is adopted, in which case the Board shall disclose their identities at the public meeting occurring after they have been selected
4. Estimates of the costs associated with the bond issuance, including, but not limited to, bond counsel and financial advisor fees, printing costs, rating agency fees, underwriting fees, and other miscellaneous costs and expenses of issuing the bonds

When the sale involves bonds that allow for the compounding of interest, such as a capital appreciation bond (CAB), the resolution to be adopted by the Board shall include Items #1-4 above as well as the financing term and time of maturity, repayment ratio, and the estimated change in the assessed value of taxable property within the district over the term of the bonds. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item. The agendas shall identify that bonds that allow for the compounding of interest are proposed. (Education Code 15146)

Prior to adopting a resolution for the sale of bonds that allow for the compounding of interest, the Board shall be presented with the following: (Education Code 15146)

1. An analysis containing the total overall cost of the bonds that allow for the compounding of interest
2. A comparison to the overall cost of current interest bonds
3. The reason bonds that allow for the compounding of interest are being recommended

4. A copy of the disclosure made by the underwriter in compliance with Rule G-17 adopted by the federal Municipal Securities Rulemaking Board

At least 30 days prior to the sale of any debt issue, the Superintendent or designee shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission (CDIAC). (Government Code 8855)

After the sale, the Board shall be presented with the actual issuance cost information and shall disclose that information at the Board's next scheduled meeting. The Board shall ensure that an itemized summary of the costs of the bond sale and all necessary information and reports regarding the sale are submitted to the CDAIC. (Education Code 15146; Government Code 53509.5)

Bond Anticipation Notes

Whenever the Board determines that it is in the best interest of the district, it may, by resolution, issue a bond anticipation note, on a negotiated or competitive-bid basis, to raise funds that shall be used only for a purpose authorized by a bond that has been approved by the voters of the district in accordance with law. (Education Code 15150)

Payment of principal and interest on any bond anticipation note shall be made at note maturity, not to exceed five years, from the proceeds derived from the sale of the bond in anticipation of which that note was originally issued or from any other source lawfully available for that purpose, including state grants. Interest payments may also be made from such sources. However, interest payments may be made periodically and prior to note maturity from an increased property tax if the following conditions are met: (Education Code 15150)

1. A resolution of the Board authorizes the property tax for that purpose
2. The principal amount of the bond anticipation note does not exceed the remaining principal amount of the authorized but unissued bonds

A bond anticipation note may be issued only if the tax rate levied to pay interest on the note would not cause the district to exceed the tax rate limitation set forth in Education Code 15268 or 15270, as applicable.

Deposit of Bond Proceeds

With regard to general obligation bonds, the district shall invest new money bond proceeds in the county treasury pool as required by law. (Education Code 15146)

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 13A, Section 1	<u>Tax limitation</u>
CA Constitution Article 16, Section 18	<u>Debt limit</u>
Ed. Code 15100-15254	<u>Bonds for school districts and community college districts</u>
Ed. Code 15264-15288	<u>Strict Accountability in Local School Construction Bonds Act of 2000</u>
Ed. Code 17577	<u>Sewers and drains</u>
Ed. Code 47614	<u>Charter school facilities</u>
Ed. Code 5322	<u>Resolution calling election</u>
Ed. Code 7054	<u>Use of district property; campaign purposes</u>
Elec. Code 1090-1099	<u>Prohibitions applicable to specified officers</u>
Elec. Code 1125-1129	<u>Incompatible activities</u>

State References

Elec. Code 13119
 Elec. Code 15372
 Elec. Code 324
 Elec. Code 328
 Elec. Code 341
 Elec. Code 348
 Elec. Code 356
 Elec. Code 357
 Elec. Code 53506-53509.5
 Elec. Code 53580-53595.5
 Elec. Code 54952
 Elec. Code 9160-9170
 Elec. Code 9400-9405
 Gov. Code 6500-6539.9
 Gov. Code 8855

Description

Forms of Ballots; ballot order
Elections official certificate
General election
Local election
Primary election
Regular election
Special election
Statewide election
 General obligation bonds
 Bonds
 Definition of legislative body; Brown Act
Ballot label; support and opposition listings
 Bond issues
 Joint powers agreements
California Debt and Investment Advisory Commission

Federal References

17 CFR 240.10b-5
 17 CFR 240.15c2-12

Description

Prohibition against fraud or deceit
 Municipal securities disclosure

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Debt & Investment Advisory Commission
 Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication

Description

87 Ops.Cal.Atty.Gen. 157 (2004)
 88 Ops.Cal.Atty.Gen. 46 (2005)
 99 Ops.Cal.Atty.Gen. 18 (2016)
Taxpayers for Accountable School Bond Spending v. San Diego Unified School District (2013) 215 Cal.App.4th 1013
San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District (2006) 139 Cal.App.4th 1356
California's Challenge: Adequately Funding Education in the 21st Century, December 2015
Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
Bond Sales - Questions and Considerations for Districts, Governance Brief, December 2012
California Debt Financing Guide, rev. March 2022
Types of Legal Counsel, Best Practice, September 2018
Selecting and Managing the Method of Sale of Bonds, Best Practice, March 2021
Debt Management Policy, Best Practice, March 2020
Investment and Management of Bond Proceeds, Best Practice, March 2022
Selecting and Managing Municipal Advisors, Best Practice, February 2014
Understanding Your Continuing Disclosure Responsibilities, Best Practice, March 2020

Management Resources References

	Description
Gov. Finance Officers Association Publication	Refunding Municipal Bonds, Best Practice, March 2019
Gov. Finance Officers Association Publication	An Elected Official's Guide to Debt Issuance, 3rd Ed., 2008
Website	CSBA District and County Office of Education Legal Services
Website	Government Finance Officers Association
Website	Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA)
Website	California Debt and Investment Advisory Commission
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education
Website	CSBA

Cross References

	Description
0420	School Plans/Site Councils
0420	School Plans/Site Councils
0440	District Technology Plan
0440	District Technology Plan
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1160	Political Processes
1220	Citizen Advisory Committees
1220	Citizen Advisory Committees
1230	School-Connected Organizations
1230	School-Connected Organizations
1330.1	Joint Use Agreements
1340	Access To District Records
1340	Access To District Records
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3470	Debt Issuance And Management
3580	District Records
3580	District Records
6151	Class Size
7110	Facilities Master Plan
7210	Facilities Financing
7213	School Facilities Improvement Districts
9270	Conflict Of Interest
9270-E(1)	Conflict Of Interest
9320	Meetings And Notices

Cross References

9323.2

9323.2-E(1)

9324

DescriptionActions By The BoardActions By The BoardMinutes And Recordings

Regulation 7214: General Obligation Bonds

Status: ADOPTED

Original Adopted Date: 03/01/2012 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024

Election Notice

Whenever the Governing Board orders an election on the question of whether general obligation bonds shall be issued to pay for school facilities, the Superintendent or designee shall ensure that election notice and ballot requirements comply with Education Code 15120-15126 and 15272, as applicable, and the section "Ballot Materials" below.

At least 88 days prior to the date of the election, the Superintendent or designee shall deliver to the officer conducting the election the resolution calling the election, including the date and purpose of the election, the authority for ordering the election and the specification of the election order, the signature of the officer or the clerk of the Board authorized to make such designations, and all other applicable ballot materials. (Education Code 5322)

Ballot Materials

The ballot question to appear on the ballot shall not exceed 75 words and shall appear in the form specified in Elections Code 13119. (Education Code 5322)

The Superintendent or designee shall ensure that the ballot materials comply with applicable laws including a brief statement of the measure setting forth the amount of the bonds to be voted upon, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used. (Education Code 15122)

In addition to the 75 word ballot question, a separate statement shall be included with the sample ballot, which includes the best estimate from official sources of all of the following: (Elections Code 9401)

1. The average annual tax rate that would be required to be levied to fund the bond issue over the entire duration of the bond debt service, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors

The estimate shall also identify the final fiscal year in which the tax is anticipated to be collected.

2. The highest tax rate that would be required to be levied to fund the bond issue, and an estimate of the year in which that rate will apply, based on assessed valuations available at the time of the election or a projection based on experience within the same jurisdiction or other demonstrable factors

3. The total debt service, including the principal and interest, that would be required to be repaid if all the bonds are issued and sold

The estimate may include information about the assumptions used to determine the estimate.

For bond measures requiring 55 percent majority of the voters, the Superintendent or designee shall ensure that the text of the ballot measure includes a statement that the Board will appoint a citizens' oversight committee and that annual independent audits will be conducted to assure that funds are spent only on school and classroom improvements and for no other purposes. (Education Code 15272)

For bond funded projects that require state matching funds, the Superintendent or designee shall ensure the sample ballot contains a statement advising the voters that the project is subject to the approval of state matching funds and, therefore, passage of the bond measure is not a guarantee that the project will be completed. (Education Code 15122.5)

Arguments in support or in opposition of the bond measure shall be submitted in accordance with Elections Code 9160-9170.

Citizens' Oversight Committee

If a bond is approved under the 55 percent majority threshold pursuant to Proposition 39 to the California Constitution, Article 13A, Section 1(b)(3) and Article 16, Section 18(b), then the district's citizens' oversight committee shall consist of at least seven members, including, but not limited to: (Education Code 15282)

1. One member active in a business organization representing the business community located within the district
2. One member active in a senior citizens' organization
3. One member active in a bona fide taxpayers' organization
4. One member who is a parent/guardian of a district student
5. One member who is a parent/guardian of a district student and is active in a parent-teacher organization, such as the Parent Teacher Association or school site council

Members of the citizens' oversight committee shall be subject to the conflict of interest prohibitions regarding incompatibility of office pursuant to Government Code 1125-1129 and financial interest in contracts pursuant to Government Code 1090-1099. (Education Code 15282)

No employee, Board member, vendor, contractor, or consultant of the district shall be appointed to the citizens' oversight committee. (Education Code 15282)

Members of the citizens' oversight committee may serve for no more than three consecutive terms of two years each. They shall serve without compensation. (Education Code 15282)

The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The committee shall actively review and report on the proper expenditure of taxpayers' money for school construction and shall convene to provide oversight for, but not limited to, the following: (Education Code 15278)

1. Ensuring that bond revenues are expended only for the purposes described in California Constitution, Article 13A, Section 1(b)(3), including the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities
2. Ensuring that, as prohibited by California Constitution, Article 13A, Section 1(b)(3)(A), no funds are used for any teacher and administrative salaries or other school operating expenses

In furtherance of its purpose, the committee may engage in any of the following activities: (Education Code 15278)

1. Receiving and reviewing copies of the annual, independent performance and financial audits required by California Constitution, Article 13A, Section 1(b)(3)(C) and (D)
2. Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of California Constitution, Article 13(A), Section 1(b)(3)
3. Receiving and reviewing copies of any deferred maintenance proposals or plans developed by the district
4. Reviewing efforts by the district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, the following:
 - a. Mechanisms designed to reduce the costs of professional fees
 - b. Mechanisms designed to reduce the costs of site preparation
 - c. Recommendations regarding the joint use of core facilities
 - d. Mechanisms designed to reduce costs by incorporating efficiencies in school site design
 - e. Recommendations regarding the use of cost-effective and efficient reusable facility plans

The district shall, without expending bond funds, provide the citizens' oversight committee with any necessary technical assistance and shall provide administrative assistance in furtherance of the committee's purpose and sufficient resources to publicize the committee's conclusions. The district shall also provide the citizens' oversight committee with responses to any and all findings, recommendations, and concerns addressed in the annual independent financial and performance audits within three months of receiving the audits. (Education Code 15280)

All citizens' oversight committee proceedings shall be open to the public and noticed in the same manner as proceedings of the Board. Committee meetings shall be subject to the provisions of the Ralph M. Brown Act. (Education Code 15280; Government Code 54952)

The citizens' oversight committee shall issue regular reports, at least once a year, on the results of its activities. Minutes of the proceedings and all documents received and reports issued shall be a matter of public record and shall be made available on the district's website. (Education Code 15280)

Reports

Within 30 days after the end of each fiscal year, the district shall submit to the County Superintendent of Schools a report concerning any bond election(s) containing the following information: (Education Code 15111)

1. The total amount of the bond issue, bonded indebtedness, or other indebtedness involved
2. The percentage of registered electors who voted at the election
3. The results of the election, with the percentage of votes cast for and against the proposition

By each January 31 following a bond issuance, the district shall submit an annual report to the California Debt Investment and Advisory Commission in accordance with Government Code 8855 and as specified in BP 3470 - Debt Issuance and Management.

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 13A, Section 1	<u>Tax limitation</u>
CA Constitution Article 16, Section 18	<u>Debt limit</u>
Ed. Code 15100-15254	<u>Bonds for school districts and community college districts</u>
Ed. Code 15264-15288	<u>Strict Accountability in Local School Construction Bonds Act of 2000</u>
Ed. Code 17577	<u>Sewers and drains</u>
Ed. Code 47614	<u>Charter school facilities</u>
Ed. Code 5322	<u>Resolution calling election</u>
Ed. Code 7054	<u>Use of district property; campaign purposes</u>
Elec. Code 1090-1099	<u>Prohibitions applicable to specified officers</u>
Elec. Code 1125-1129	<u>Incompatible activities</u>
Elec. Code 13119	<u>Forms of Ballots; ballot order</u>
Elec. Code 15372	<u>Elections official certificate</u>
Elec. Code 324	<u>General election</u>
Elec. Code 328	<u>Local election</u>
Elec. Code 341	<u>Primary election</u>
Elec. Code 348	<u>Regular election</u>
Elec. Code 356	<u>Special election</u>

State References

Elec. Code 357
 Elec. Code 53506-53509.5
 Elec. Code 53580-53595.5
 Elec. Code 54952
 Elec. Code 9160-9170
 Elec. Code 9400-9405
 Gov. Code 6500-6539.9
 Gov. Code 8855

Description

Statewide election
 General obligation bonds
 Bonds
 Definition of legislative body; Brown Act
 Ballot label; support and opposition listings
 Bond issues
 Joint powers agreements
 California Debt and Investment Advisory Commission

Federal References

17 CFR 240.10b-5
 17 CFR 240.15c2-12

Description

Prohibition against fraud or deceit
 Municipal securities disclosure

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication
 Debt & Investment Advisory Commission Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Gov. Finance Officers Association Publication
 Website
 Website
 Website
 Website

Description

87 Ops.Cal.Atty.Gen. 157 (2004)
 88 Ops.Cal.Atty.Gen. 46 (2005)
 99 Ops.Cal.Atty.Gen. 18 (2016)
 Taxpayers for Accountable School Bond Spending v. San Diego Unified School District (2013) 215 Cal.App.4th 1013
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 Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011
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 California Debt Financing Guide, rev. March 2022
 Types of Legal Counsel, Best Practice, September 2018
 Selecting and Managing the Method of Sale of Bonds, Best Practice, March 2021
 Debt Management Policy, Best Practice, March 2020
 Investment and Management of Bond Proceeds, Best Practice, March 2022
 Selecting and Managing Municipal Advisors, Best Practice, February 2014
 Understanding Your Continuing Disclosure Responsibilities, Best Practice, March 2020
 Refunding Municipal Bonds, Best Practice, March 2019
 An Elected Official's Guide to Debt Issuance, 3rd Ed., 2008
 CSBA District and County Office of Education Legal Services
 Government Finance Officers Association
 Municipal Security Rulemaking Board, Electronic Municipal Market Access (EMMA)
 California Debt and Investment Advisory Commission

Management Resources References

Website

Website

Website

Description

Department of General Services, Office of Public School Construction

California Department of Education

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Bylaw 9220: Governing Board Elections

Status: ADOPTED

Original Adopted Date: 06/01/2006 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Board Member Qualifications

Any person is eligible to be a member of the Governing Board, without further qualifications, if the person is: 18 years of age or older; a citizen of California; a resident of the school district or, if applicable, the trustee area; a registered voter; and not legally disqualified from holding civil office. (Education Code 35107)

A person is not eligible to be a member of the Board if they have been convicted of an offense(s) as specified in law and the accompanying Exhibit, except when the person has been granted a pardon in accordance with law. A district employee duly elected to the Board shall resign from district employment, or shall otherwise cease being a district employee, before being sworn in. If a district employee duly elected to the Board is sworn in and remains a district employee, then the employment shall automatically terminate upon being sworn into office. (Education Code 35107)

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide a Board candidate, upon request by the candidate, with information that will enable them to understand the responsibilities and expectations of being a Board member, including information regarding available workshops, seminars, and/or training. Additionally, the Superintendent or designee shall provide a Board candidate, upon request by the candidate, the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

Recalling a Board Member

A Board member may be recalled as permitted by Elections Code 11000-11386. To commence a recall of a Board member, proponents shall serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and any applicable county elections official directives. Additionally, the recall petition shall be in the format provided by the Secretary of State and include, among other things, an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from a county elections official, the Board shall order an election to be held to determine whether the Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a Board member is successful, that Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and Board Bylaw 9223 - Filling Vacancies.

Consolidation of Elections

The Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302. Additionally, if a regularly scheduled Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections in accordance with Elections Code 14051-14052.

In order to consolidate elections, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

Elections Process and Procedures

For each election, upon certification by the County Board of Supervisors, the Board shall declare who has been elected to the Board in accordance with law. (Election Code 15400)

A Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

OPTION 1: (Election by trustee area)

Each Board member shall reside in the trustee area they represent and shall be elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTION 1 ENDS HERE

OPTION 2: (Election using "at-large" voting method)

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

OPTION 2 ENDS HERE

OPTION 3: (Election using hybrid method)

Each Board member shall reside within the trustee area that the Board member represents but shall be elected by all voters in the district. Trustee areas shall be balanced by population as required by state and federal law.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTIONS 3 ENDS HERE

The Board may review the district's Board election method to determine whether any modification is necessary.

If the district seeks to change its election method, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change and obtain approval from the county committee on school district organization having jurisdiction over the district in accordance with Education Code 5019.

The election method or trustee-area boundaries in effect at the beginning of a Board member's term shall be used when any vacancy that occurs during that term is to be filled, even if, during the term, the district has adopted "by-trustee area" election method or trustee area boundaries have been adjusted.

Campaign Conduct

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign contributions, funding, and expenditures.

A Board member shall not expend, and a candidate shall not accept, any public money for the purpose of seeking elective office. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

Statement of Qualifications

On the 125th day prior to the day fixed for the general district election, the Board secretary or designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

OPTION 1: (200 Words Limit)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

OPTION 1 ENDS HERE

OPTION 2: (400 Words Limit)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

OPTION 2 ENDS HERE

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

OPTION 1: (Candidate Statement Paid by District)

The district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

OPTION 1 ENDS HERE

OPTION 2: (Candidate Statement Paid by Candidate)

The district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

OPTION 2 ENDS HERE

Tie Votes in Board Member Elections

OPTION 1: (Tie Decided by Lot)

Whenever the County Superintendent of Schools certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time and place shall determine the winner by lot. (Education Code 5016)

OPTION 1 ENDS HERE

OPTION 2: (Tie Decided by Runoff Election)

Whenever the County Superintendent certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

OPTION 2 ENDS HERE

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 2, Section 2	<u>Voters; qualifications</u>
CA Constitution Article 7, Section 7	<u>Conflicting offices</u>
CA Constitution Article 7, Section 8	<u>Disqualification from office</u>
Ed. Code 1006	<u>Prohibition against school district employees serving on county board of education</u>
Ed. Code 35107	<u>School district employees</u>
Ed. Code 35177	<u>Campaign expenditures or contributions</u>
Ed. Code 35239	<u>Compensation of governing board member of districts with less than 70 ADA</u>
Ed. Code 5000-5033	<u>Election of school district board members</u>
Ed. Code 5091	<u>Vacancies; petition for special election</u>
Ed. Code 5220-5231	<u>Elections</u>
Ed. Code 5300-5304	<u>General provisions; conduct of elections</u>
Ed. Code 5320-5329	<u>Order and call of elections</u>
Ed. Code 5340-5345	<u>Consolidation of elections</u>
Ed. Code 5360-5363	<u>Election notice</u>
Ed. Code 5380	<u>Compensation; election officer</u>
Ed. Code 5390	<u>Qualifications of voters</u>
Ed. Code 5420-5426	<u>Cost of elections</u>
Ed. Code 5440-5442	<u>Miscellaneous provisions</u>
Ed. Code 7054	<u>Use of district property; campaign purposes</u>
Elec. Code 10010	<u>District boundaries</u>
Elec. Code 10400-10418	<u>Consolidation of elections</u>
Elec. Code 10509	<u>Notice of election by secretary</u>
Elec. Code 10600-10604	<u>School district elections</u>
Elec. Code 11000	<u>Recall of officers</u>

State References

Elec. Code 1302
 Elec. Code 13307
 Elec. Code 13308
 Elec. Code 13309
 Elec. Code 14025-14032
 Elec. Code 14050-14057
 Elec. Code 15400
 Elec. Code 18501
 Elec. Code 20
 Elec. Code 20440
 Elec. Code 21100-21180
 Elec. Code 2201
 Elec. Code 4000-4008
 Gov. Code 1021
 Gov. Code 1097
 Gov. Code 12940
 Gov. Code 1770
 Gov. Code 81000-91014
 Gov. Code 9055
 Gov. Code 9412
 Pen. Code 165
 Pen. Code 2772
 Pen. Code 2790
 Pen. Code 424
 Pen. Code 661
 Pen. Code 67
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Local elections; school district election
Candidate's statement
Candidate's statement contents
Candidate's statement; indigence
California Voting Rights Act
California Voter Participation Rights Act
 Announcement of election results
 Election fraud
Public office eligibility
Code of Fair Campaign Practices
 FAIR MAPS Act
Grounds for cancellation
 Elections conducted wholly by mail
Conviction of crime
Illegal participation in public contract
Unlawful discriminatory employment practices
Vacancy of office
Political Reform Act
 Committing crimes against legislative power
 Refusing to appear
 Bribes to members of city council
 Interfering with the work of prisoners
 Interrupting the work of prisoners
Embezzlement and falsification of accounts by public officers
Removal for neglect or violation of official duty
 Giving bribes
Receiving bribes
Acceptance of gratuity
Crimes against legislative power
 Crimes against public justice

Federal References

52 USC 10301-10508

Description

Voting Rights Act

Management Resources References

Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Attorney General Opinion
 Court Decision

Description

105 Ops.Cal.Atty.Gen. 182 (2022)
 69 Ops.Cal.Atty.Gen. 290 (1986)
 81 Ops.Cal.Atty.Gen. 98 (1998)
 83 Ops.Cal.Atty.Gen. 181 (2000)
 85 Ops.Cal.Atty.Gen. 49 (2002)
 Dusch v. Davis (1967) 387 U.S. 112

Management Resources References

Court Decision

Court Decision

Court Decision

CSBA Publication

Website

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Website

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Website

Description

[Randall v. Sorrell \(2006\) 126 S.Ct. 2479](#)

[Rey v. Madera Unified School District \(2012\) 203 Cal. App. 4th 1223](#)

[Sanchez v. City of Modesto \(2006\) 145 Cal. App. 4th 660](#)

[Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017](#)

[CSBA District and County Office of Education Legal Services](#)

[Institute for Local Government](#)

[Fair Political Practices Commission](#)

[California Secretary of State's Office](#)

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Exhibit 9220-E(1): Governing Board Elections

Status: ADOPTED

Original Adopted Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

This exhibit is a non-exhaustive list of offenses the conviction of which disqualifies a person from holding public office, including as a Governing Board member of a school district, in the State of California.

1. California Constitution, Article VII, Section 8: Giving or offering a bribe to procure personal election or appointment
2. California Constitution, Article VII, Section 8: Committing bribery, perjury, forgery, malfeasance in office, or other high crimes
3. Penal Code section 67: Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity
4. Penal Code section 68: While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity
5. Penal Code section 74: As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office
6. Penal Code section 88: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
7. Penal Code section 98: While an officer, committing any of various bribery and corruption crimes against the public justice as specified in Penal Code 92-100, including bribing or threatening judges or jurors
8. Penal Code section 165: Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity
9. Penal Code section 424: While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to pay any public moneys as required by law
10. Penal Code section 2772: Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
11. Penal Code section 2790: Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
12. Government Code section 1021: Committing designated crimes as specified in the California Constitution or state law
13. Government Code section 1097: While a public official, being financially interested in a contract made in their official capacity, or by any body or board of which he or she is a member, or aiding or abetting a public official in committing such a violation
14. Government Code section 9055: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
15. Government Code section 9412: While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control

16. Elections Code section 20: Committing a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes
17. Elections Code section 18501: While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud

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 2, Section 2	<u>Voters; qualifications</u>
CA Constitution Article 7, Section 7	<u>Conflicting offices</u>
CA Constitution Article 7, Section 8	<u>Disqualification from office</u>
Ed. Code 1006	<u>Prohibition against school district employees serving on county board of education</u>
Ed. Code 35107	<u>School district employees</u>
Ed. Code 35177	<u>Campaign expenditures or contributions</u>
Ed. Code 35239	<u>Compensation of governing board member of districts with less than 70 ADA</u>
Ed. Code 5000-5033	<u>Election of school district board members</u>
Ed. Code 5091	<u>Vacancies; petition for special election</u>
Ed. Code 5220-5231	<u>Elections</u>
Ed. Code 5300-5304	<u>General provisions; conduct of elections</u>
Ed. Code 5320-5329	<u>Order and call of elections</u>
Ed. Code 5340-5345	<u>Consolidation of elections</u>
Ed. Code 5360-5363	<u>Election notice</u>
Ed. Code 5380	<u>Compensation; election officer</u>
Ed. Code 5390	<u>Qualifications of voters</u>
Ed. Code 5420-5426	<u>Cost of elections</u>
Ed. Code 5440-5442	<u>Miscellaneous provisions</u>
Ed. Code 7054	<u>Use of district property; campaign purposes</u>
Elec. Code 10010	<u>District boundaries</u>
Elec. Code 10400-10418	<u>Consolidation of elections</u>
Elec. Code 10509	<u>Notice of election by secretary</u>
Elec. Code 10600-10604	<u>School district elections</u>
Elec. Code 11000	<u>Recall of officers</u>
Elec. Code 1302	<u>Local elections; school district election</u>
Elec. Code 13307	<u>Candidate's statement</u>
Elec. Code 13308	<u>Candidate's statement contents</u>
Elec. Code 13309	<u>Candidate's statement; indigence</u>
Elec. Code 14025-14032	<u>California Voting Rights Act</u>
Elec. Code 14050-14057	<u>California Voter Participation Rights Act</u>
Elec. Code 15400	<u>Announcement of election results</u>

State References

Elec. Code 18501
 Elec. Code 20
 Elec. Code 20440
 Elec. Code 21100-21180
 Elec. Code 2201
 Elec. Code 4000-4008
 Gov. Code 1021
 Gov. Code 1097
 Gov. Code 12940
 Gov. Code 1770
 Gov. Code 81000-91014
 Gov. Code 9055
 Gov. Code 9412
 Pen. Code 165
 Pen. Code 2772
 Pen. Code 2790
 Pen. Code 424
 Pen. Code 661
 Pen. Code 67
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 Pen. Code 74
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Description

Election fraud
Public office eligibility
Code of Fair Campaign Practices
 FAIR MAPS Act
Grounds for cancellation
 Elections conducted wholly by mail
Conviction of crime
Illegal participation in public contract
Unlawful discriminatory employment practices
Vacancy of office
Political Reform Act
 Committing crimes against legislative power
 Refusing to appear
 Bribes to members of city council
 Interfering with the work of prisoners
 Interrupting the work of prisoners
Embezzlement and falsification of accounts by public officers
Removal for neglect or violation of official duty
 Giving bribes
Receiving bribes
Acceptance of gratuity
Crimes against legislative power
 Crimes against public justice

Federal References

52 USC 10301-10508

Description

Voting Rights Act

Management Resources References

Attorney General Opinion
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Description

105 Ops.Cal.Atty.Gen. 182 (2022)
 69 Ops.Cal.Atty.Gen. 290 (1986)
 81 Ops.Cal.Atty.Gen. 98 (1998)
 83 Ops.Cal.Atty.Gen. 181 (2000)
 85 Ops.Cal.Atty.Gen. 49 (2002)
 Dusch v. Davis (1967) 387 U.S. 112
 Randall v. Sorrell (2006) 126 S.Ct. 2479
 Rey v. Madera Unified School District (2012) 203 Cal. App. 4th 1223
 Sanchez v. City of Modesto (2006) 145 Cal. App. 4th 660
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Nondiscrimination In District Programs And Activities

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Bylaw 9223: Filling Vacancies

Status: ADOPTED

Original Adopted Date: 09/01/1989 | Last Revised Date: 06/01/2024 | Last Reviewed Date: 06/01/2024

Events Causing a Vacancy

A vacancy on the Governing Board may arise from any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of the office for the remainder of the term (Government Code 1770)
3. A Board member's resignation in accordance with Board Bylaw 9222 - Resignation (Government Code 1770)
4. A Board member's removal from office by recall (Elections Code 11000-11386; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)
6. A Board member's ceasing to inhabit the trustee area represented by the Board member (Government Code 1770)
7. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon district business with the approval of the Board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days or, in the case of illness or other urgent necessity and upon a proper showing thereof, for more than 90 days
 - c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve during the absence. If two or more Board members are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.
8. A Board member's ceasing to discharge the duties of the office for the period of three consecutive months, except when prevented by sickness or when absent from the state with the permission required by law (Government Code 1770)
9. A Board member's conviction of a felony or any offense involving a violation of official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
10. A Board member's refusal or neglect to file the required oath within the time prescribed (Government Code 1770)
11. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs between six months and 130 days before a regularly scheduled Board election at which the vacant position is not scheduled to be filled, the vacancy shall be filled by a special election consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which the person was elected to fill. (Education Code 5093)
3. When a vacancy occurs any time outside of the statutory time windows identified in Items #1 and #2 above, the Board shall either order an election or make a provisional appointment within 60 days of the date of the vacancy or the filing of the member's deferred resignation, whichever is sooner. (Education Code 5091, 5093)

Eligibility for Appointment

In order to be appointed to fill a vacancy on the Board, a person must meet the eligibility requirements specified in law and Board Bylaw 9220 - Governing Board Elections.

Provisional Appointments

When, as authorized by law, the Board has opted to make a provisional appointment to fill a vacancy, the Board, by resolution, may approve the procedures for selecting the person to be provisionally appointed to fill the vacancy. These procedures may, but are not required to, include the following:

1. Advertising in the local media to solicit candidate applications
2. Establishing a committee consisting of less than a quorum of the Board to ensure that applicants are eligible for Board membership and announce the names of the eligible candidates
3. Interviewing the candidates at a public meeting

Within 10 days after the Board makes a provisional appointment to fill a Board vacancy, the Superintendent or designee, on behalf of the Board, shall post a notice of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The Superintendent or designee shall post the notice as follows: (Education Code 5092)

1. In three public places in the district or, if applicable, trustee area
2. On the district's website
3. In a newspaper of general circulation published in the district, if such a newspaper exists

The notice shall contain: (Education Code 5092)

1. The fact of the vacancy or resignation
2. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
3. The full name of the provisional appointee to the Board and the date of the provisional appointee's appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code

5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, the appointment shall become effective

The person appointed shall only hold office until the next regularly scheduled election for district Board members. (Education Code 5091)

If within 30 days of the Board's appointment, registered voters of the district or, where elections are by trustee areas, of the trustee area, submit a petition for special election that the County Superintendent determines to be legally sufficient, the provisional appointment is terminated, and a special election shall be held in accordance with Education Code 5091 to fill the vacancy.

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

When, as authorized by law, the Board seeks to make an appointment because of a failure to elect, the Board, by resolution, may approve any additional the procedures for selecting the person to be appointed to fill the vacancy.

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 35107	<u>School district employees</u>
Ed. Code 35178	<u>Resignation with deferred effective date</u>
Ed. Code 5000-5033	<u>Election of school district board members</u>
Ed. Code 5090-5095	<u>Vacancies on the board</u>
Ed. Code 5200-5208	<u>Districts governed by boards of education</u>
Ed. Code 5300-5304	<u>General provisions; conduct of elections</u>
Ed. Code 5320-5329	<u>Order and call of elections</u>
Ed. Code 5340-5345	<u>Consolidation of elections</u>
Ed. Code 5360-5363	<u>Election notice</u>
Ed. Code 5420-5426	<u>Cost of elections</u>
Ed. Code 5440-5442	<u>Miscellaneous provisions</u>
Elec. Code 10600-10604	<u>School district elections</u>
Elec. Code 11000-11386	<u>Candidates for recall</u>
Gov. Code 1064	<u>Absence from state</u>
Gov. Code 1770	<u>Vacancy of office</u>
Gov. Code 3000-3003	<u>Forfeiture of office</u>
Gov. Code 3060-3075	<u>Removal other than by impeachment</u>
Gov. Code 54950-54963	<u>The Ralph M. Brown Act</u>
Gov. Code 6061	<u>Manner of notice as prescribed in designated section</u>

State References

Pen. Code 88

Description

[Crimes against legislative power](#)

Federal References

18 USC 704

Description

Military medals or decorations

Management Resources References

Attorney General Opinion

Description

105 Ops.Cal.Atty.Gen. 182 (2022)

Attorney General Opinion

58 Ops.Cal.Atty.Gen. 888 (1975)

CSBA Publication

Filling a Board Vacancy, rev. 2022

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California State Attorney General's Office, Quo Warranto Applications](#)

Website

[CSBA](#)

Cross References

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[District And School Websites](#)

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[District And School Websites](#)

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[District And School Websites](#)

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[Access To District Records](#)

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[Actions By The Board](#)

9323.2-E(1)

[Actions By The Board](#)