



TYPE: Regular Board Meeting

DATE: 2/16/2023 **TIME:** 6:00 PM

CODE: Simulcast via Zoom Teleconferencing

LOCATION: Assembly Hall 1935 Bohemian Highway, Occidental, CA 95465

Closed session begins at 6 pm; Open Session begins at 7 pm. All documents relating to the following agenda items are available for public review in the Administrative Office of the Harmony Union School District during office hours at least 72 hours prior to the scheduled Board meeting. The Harmony District Board of Education meetings are open to the public, except for certain subjects that are addressed in closed session in accordance with the Ralph M. Brown Act. If anyone wishes to attend and requires special accommodations due to a handicapping condition, as outlined in the Americans with Disabilities Act, please contact the superintendent at least two working days prior to the meeting.

1.0 Call to Order

2.0 Pledge of Allegiance

3.0 Approval of the Agenda

4.0 Public Comment

- 4.1 For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please choose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures. Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting. Info

5.0 Closed Session

- 5.1 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA Info/Action
- 5.2 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA Info/Action
- 5.3 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items Info

6.0 Reconvene to Open Session

7.0 Communication

- A) Reports

- 7.1 HUTA Report

- 7.2 ARK Report
- 7.3 Student Report
- 7.4 Board Member Reports
- 7.5 Superintendent/Principal's Report
- 7.6 Pathways Director Report

B) Correspondence

8.0 Consent Agenda Action

- 8.1 Vendor Warrants Action
- 8.2 2nd Grade Rotary Learn to Swim Program- 4/18-5/11/2023 Action
- 8.3 4th Grade Field Trip: Malakoff Diggins/ California Gold Rush 5/10-12 Action
- 8.4 8th grade Field Trip: Point Reyes National Seashore 5/18-20 Action
- 8.5 Minutes from the meeting held 01/19/2023 Action
- 8.6 Approve the Consent Agenda Action

9.0 Information/Correspondence/Discussion

- 9.1 Enrollment Report Info
- 9.2 Construction Update Info
- 9.3 Business Office Updates- Stacy Kalember Info
- 9.4 Retirement announcement- Missy Calvi Info
- 9.5 School Accountability Report Cards (SARC) Info
- 9.6 Discussion of school mascot and colors Info/Action
- 9.7 Discussion: Advocate with West County Transportation Agency to apply for the federal grants for electric buses through a letter or identify another way to advocate for zero particulate emissions transportation. Info/Action
- 9.8 Discussion: Battery Backup/Generator Info

A) Board Member Development

- 9.9 Board Meeting Calendar and Routine Agenda Item List

10.0 Action Items

- 10.1 Second reading and adoption of new board policy and updates: Sept 2022 Info/Action
 BP 3515.3 District Police/Security Department AR 3515.3 District Police/Security Department BP 4118 Dismissal/Suspension/Disciplinary Action AR 4118 Dismissal/Suspension/Disciplinary Action BP 4119.1 Civil and Legal Rights BP 4219.1 Civil and Legal Rights BP 4319.1 Civil and Legal Rights BP 4140 Bargaining Units BP 4240 Bargaining Units BP 4340 Bargaining Units AR 4161.2 Personal Leaves AR 4261.2 Personal Leaves AR 4361.2 Personal Leaves AR 4161.5 Military Leave AR 4261.5 Military Leave AR 4361.5 Military Leave BP 4216 Probationary/Permanent Status BP 4218 Dismissal/Suspension/Disciplinary Action AR 4218

Dismissal/Suspension/Disciplinary Action BP 4218.1
Dismissal/Suspension/Disciplinary Action (Merit System) BP 6146.1 High
School Graduation Requirements Fill in Blanks AR 6146.1 High School
Graduation Requirements Delete AR Yes No BP 6158 Independent Study AR
6158 Independent Study BP 6164.2 Guidance/Counseling Services BP 6178
Career Technical Education AR 6178 Career Technical Education BP 6200
Adult Education AR 6200 Adult Education BP 7110 Facilities Master Plan BP
7150 Site Selection and Development AR 7150 Site Selection and
Development

- | | | |
|------|----------------------------------------------------------------------------------------------|--------|
| 10.2 | Consideration of new employee Savannah Engle, Special Education Instructional Assistant, 1:1 | Action |
| 10.3 | Consideration of HUSD's 2023-24 Comprehensive School Safety Plan (CSSP) | Action |
| 10.4 | Consideration of HUSD Calendar for 2023-24 School Year | Action |
| 10.5 | Consideration of 2021-22 Audit Certification and Report of Corrective Action for Findings | Action |
| 10.6 | Consideration of Revised Covid Protocols | Action |

11.0 Next Board Meeting

12.0 Adjournment

Agendas have been posted at the Harmony School public bulletin board and the Harmony Union School District Website at www.harmonyusd.org.



Harmony Union School District

AGENDA ITEM

Meeting Date: 2/16/2023 - 6:00 PM

Category: Public Comment

Type: Info

Subject:

4.1 For Open Session: Members of the public may address the Board briefly on matters not on the agenda and are within the subject matter jurisdiction of the Board. Please state your name and address. In accordance with Board Policy 9323, speakers are to keep comments concise and limited to three minutes. The Public Comment item will be limited to a total of 20 minutes, absent approval to extend by the Board President. If there are several people who share the same issue, please chose one as your representative, and that person may be given additional time, if necessary. The Board values public comment, but by the Brown Act the Board shall not act upon, respond to, or comment on the merits of any item presented. The Board may ask clarifying questions of the presenter or refer the presenter to the District procedures.

Members of the public may address the Board regarding items on the agenda at the time the item appears on the agenda. The Board President may move any agenda item to a different place on the agenda in order to accommodate the public or improve the flow of the meeting.

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

**Background
Information:**

Fiscal Implications:

Recommendation:

Approvals:


Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District


AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Closed Session
Type:	Info/Action
Subject:	5.1 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: CSEA
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	-
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Closed Session
Type:	Info/Action
Subject:	5.2 With respect to every item of business to be discussed in closed session Gov. Code Section 54957.6: CONFERENCE WITH LABOR NEGOTIATOR Name of Agency Negotiator: Matthew Morgan Name of organization representing employees: HUTA
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	-
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Closed Session
Type:	Info
Subject:	5.3 With respect to every item of business to be discussed in closed session pursuant to Gov. Code Section 54957.6: Update on Anticipated Litigation items
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	none- discussion only
Approvals:	<div>Recommended By:<div> Matthew Morgan - Superintendent/Principal</div></div>



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.1 HUTA Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	
Approvals:	



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.2 ARK Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.3 Student Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal
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Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.4 Board Member Reports
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.5 Superintendent/Principal’s Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Reports
Type:	Info
Subject:	7.6 Pathways Director Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	
Approvals:	



Harmony Union School District

AGENDA ITEM

Meeting Date: 2/16/2023 - 6:00 PM

Category: Consent Agenda


Type: Action

Subject: 8.1 Vendor Warrants

Strategic Plans:

Policy:

Enclosure

File Attachment:  Vendor Warrants
02162023.pdf

Description:

**Background
Information:**

Fiscal Implications:

Recommendation: Approve through the consent agenda

Approvals:

Recommended
By:

A handwritten signature in black ink, reading "Matthew Morgan".

Matthew Morgan - Superintendent/Principal

Checks Dated 01/17/2023 through 02/10/2023

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1939774	01/18/2023	Allen Brothers	13-4710	Cafeteria		440.61
1939775	01/18/2023	Amazon Capital Services	01-4210	Curriculum - other books	32.51	
			01-4350	Business Office	.43	
			01-4390	First Aid and Health Supplies	399.68	
			03-4210	Curriculum - other books	97.54	
			03-4310	Counselor Office - Chadwick	32.53	
			03-4350	Business Office	1.30	563.99
1939776	01/18/2023	Clover Stornetta Farms	13-4710	Cafeteria		368.23
1939777	01/18/2023	Comcast	01-5911	Phones & Internet		448.85
1939778	01/18/2023	FRC, Inc	40-6200	2018 Bond - Phase 3		308,201.74
1939779	01/18/2023	Veritable Vegetable	13-4710	Cafeteria		366.85
1940355	01/20/2023	Kevin Falkerson	01-5830	Living roof maintenance 10/1/22-12/31/22	92.50	
			03-5830	Living roof maintenance 10/1/22-12/31/22	277.50	370.00
1940356	01/20/2023	State of CA Employment Dev.Dept SDI	01-9555	2nd quarter EDD		3,461.62
1940357	01/20/2023	Freestone Ranch	13-4300	Beef - Farm-to-School Grant		1,350.00
1940358	01/20/2023	Harmony Revolving Account	01-9557	Reimbursement to RCU Revolving Acct [EDD]		2,901.34
1940359	01/20/2023	Honore Farm and Mill	13-4710	Orders of Flour for the Cafeteria		1,215.00
1940360	01/20/2023	U. S. Bank Equipment Finance	01-5881	Copier Contract Payments	153.98	
			03-5881	Copier Contract Payments	1,693.80	1,847.78
1940974	01/25/2023	Allen Brothers	13-4710	Cafeteria		295.71
1940975	01/25/2023	Alpha Analytical Lab, Inc.	01-5884	Water Testing	28.40	
			03-5884	Water Testing	113.60	142.00
1940976	01/25/2023	Amazon Capital Services	01-4310	Classroom Supplies - Weiss	14.27	
			01-4370	Occidental Community Center supplies	94.54	
			03-4310	Classroom Supplies - Weiss	42.81	
			13-4390	Cafeteria supplies	12.08	
			13-4400	Cafeteria - KITF funds	45.88	
			13-4710	Cafeteria supplies	101.98	287.40
1940977	01/25/2023	Clover Stornetta Farms	13-4710	Cafeteria		782.66
1940978	01/25/2023	FRC, Inc	40-6200	2018 Bond - Phase 3		479,157.67
1940979	01/25/2023	Honey Bucket	01-5600	Port-o-Potties	52.77	
			03-5600	Port-o-Potties	211.09	263.86
1940980	01/25/2023	Veritable Vegetable	13-4710	Cafeteria		440.45
1940981	01/25/2023	West Sonoma County Union High	01-5100	2022-23 Consortium costs	519.77	
			01-5809	2022-23 Consortium costs	1,012.93	1,532.70
1941807	01/27/2023	Stephen Hohener	03-5862	Reimbursement for fingerprinting fees		82.00

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

ESCAPE ONLINE

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Checks Dated 01/17/2023 through 02/10/2023

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1941808	01/27/2023	Collins, Kyle L	03-4100	Reimbursement for classroom Science projects		379.31
1941809	01/27/2023	Counterpoint, Inc.	40-5830	Phase 3 of Bond Project		9,767.89
1941810	01/27/2023	Harmony Revolving Account	13-9580	Sales and Use Tax 102-754448		140.62
1941811	01/27/2023	Harmony Union Teachers' Assoc.	01-9515	Reissuance of stale dated check		368.25
1941812	01/27/2023	Major Alarm, Inc.	01-5590	Fire & Security Monitoring	7.21	
			01-5630	Fire & Security Monitoring	3.10	
			03-5590	Fire & Security Monitoring	28.84	
			03-5630	Fire & Security Monitoring	15.85	55.00
1941813	01/27/2023	Pacific Gas & Electric Company	01-5520	Electricity for the 2022/2023 school year	1,269.32	
			03-5520	Electricity for the 2022/2023 school year	3,807.95	5,077.27
1941814	01/27/2023	Padilla Stonework	40-6200	Assembly Hall Counter		2,795.00
1941815	01/27/2023	US Bancorp Service Center Corporate Payment Systems	01-4100	January Credit Card Statement	71.82	
			01-4300	December Credit Card Statement	1,142.12	
				January Credit Card Statement	282.58	
			01-4340	December Credit Card Statement	29.96	
				January Credit Card Statement	35.71	
			01-4350	December Credit Card Statement	26.86	
			01-4397	December Credit Card Statement	559.22	
				January Credit Card Statement	56.42	
			01-5202	December Credit Card Statement	250.00	
				January Credit Card Statement	182.25	
			01-5630	December Credit Card Statement	36.12	
			01-5865	December Credit Card Statement	18.75	
				January Credit Card Statement	18.75	
			01-5950	December Credit Card Statement	5.97	
			03-4100	January Credit Card Statement	215.46	
			03-4240	December Credit Card Statement	29.99	
				January Credit Card Statement	29.99	
			03-4300	January Credit Card Statement	162.20	
			03-4340	December Credit Card Statement	89.90	
				January Credit Card Statement	107.13	
			03-4350	December Credit Card Statement	80.57	
			03-4397	December Credit Card Statement	328.61	
				January Credit Card Statement	169.26	
			03-5202	January Credit Card Statement	546.75	
			03-5630	December Credit Card Statement	108.36	
			03-5865	December Credit Card Statement	56.25	

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

ESCAPE ONLINE

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Checks Dated 01/17/2023 through 02/10/2023

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1941815	01/27/2023	US Bancorp Service Center Corporate Payment Systems	03-5865	January Credit Card Statement	56.25	
			03-5950	December Credit Card Statement	17.93	
			13-4390	December Credit Card Statement	77.22	
				January Credit Card Statement	676.50	
			13-4400	December Credit Card Statement	159.21	
			13-4710	December Credit Card Statement	999.47	
				January Credit Card Statement	897.19	7,524.77
1941816	01/27/2023	Veritable Vegetable	13-4710	Cafeteria		454.20
1941817	01/27/2023	West Music Company, Inc.	03-4400	Sonor NKS 60 P Bb		304.00
1942270	02/01/2023	Johnston, Allison J	01-3441	Vision Reimbursement		100.00
1942271	02/01/2023	Jacobs, Amanda	13-5300	Reimbursement for Lunch Assist		250.00
				Membership renewal		
1942272	02/01/2023	Heron, Suzanne	01-3442	Vision Reimbursement	29.85	
			03-3442	Vision Reimbursement	89.54	119.39
1942273	02/01/2023	Alvarado Street Bakery	13-4710	Cafetera - Fund 13		159.98
1942274	02/01/2023	Amazon Capital Services	01-4390	First Aid and Health Supplies	30.31	
			03-4310	Classroom Supplies - Figueroa	25.98	56.29
1942275	02/01/2023	Clover Stornetta Farms	13-4710	Cafeteria		502.85
1942276	02/01/2023	Towne Communications, Inc.	01-5911	Remote labor - Suzi's install Manager software	19.37	
			03-5911	Remote labor - Suzi's install Manager software	58.13	77.50
1942277	02/01/2023	Home Depot	01-4370	Custodial supplies	11.52	
			01-4400	Custodial supplies	1.19	
			03-4370	Custodial supplies	47.63	
			03-4400	Custodial supplies	4.74	65.08
1942278	02/01/2023	LACO, Inc.	40-6290	Geotechnical Engineering Services		270.00
1942279	02/01/2023	Michelle Ramirez Michelle Ramirez CPR Training	01-5830	CPR/AED Staff Training	201.25	
			03-5830	CPR/AED Staff Training	603.75	805.00
1942280	02/01/2023	School & College Legal Service	01-5202	2022/2023 Workshops	11.25	
			03-5202	2022/2023 Workshops	33.75	45.00
1942281	02/01/2023	Veritable Vegetable	13-4710	Cafeteria		285.65
1942282	02/01/2023	Verizon Wireless	01-5912	Cell service & Hot Spots	94.71	
			03-5912	Cell service & Hot Spots	284.13	378.84
1943541	02/08/2023	Allen Brothers	13-4710	Cafeteria		362.33
1943542	02/08/2023	Amazon Capital Services	01-4310	Classroom Supplies - Johnston	160.26	
			01-4350	Business Office	10.25	
				School Office	4.12	

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

ESCAPE ONLINE

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Checks Dated 01/17/2023 through 02/10/2023

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
1943542	02/08/2023	Amazon Capital Services	01-4390	First Aid and Health Supplies	27.13	
				Safety Committee Expenditures	505.38	
			03-4310	Classroom Supplies - Figueroa	159.27	
			03-4350	Business Office	30.76	
				School Office	12.34	
			13-4390	Cafeteria supplies	6.26	
			13-4710	Cafeteria supplies	44.83	948.08
1943543	02/08/2023	Brunsing Associates, Inc.	40-6210	Geotechnical Construction Services		761.40
1943544	02/08/2023	Clover Stornetta Farms	13-4710	Cafeteria		571.88
1943545	02/08/2023	Counterpoint, Inc.	14-5830	2022-23 CUPCCAA	65.00	
			40-5830	Phase 3 of Bond Project	9,767.89	9,832.89
1943546	02/08/2023	McPhail Fuel Company	01-5510	Propane	1,465.56	
			03-5510	Propane	4,396.66	5,862.22
1943547	02/08/2023	Occidental Hardware	01-4370	Custodial/Maintenance Supplies	9.74	
			01-4380	Keys for Occ Community Center	10.81	
			03-4370	Custodial/Maintenance Supplies	29.22	49.77
1943548	02/08/2023	ODP Business Solutions, LLC f/k/a Office Depot	01-4351	Copy Paper		643.84
1943549	02/08/2023	PTS Communications	01-5911	Payments for Payphone	17.50	
			03-5911	Payments for Payphone	52.50	70.00
1943550	02/08/2023	Recology Sonoma Marin	01-5560	Monthly - Garbage, Recycle	117.89	
			03-5560	Monthly - Garbage, Recycle	353.65	471.54
1943551	02/08/2023	School Nurse Supply, Inc.	01-4310	Care Corner First Aid Supplies		68.29
1943552	02/08/2023	Sebastopol Hardware	01-4300	Paint & Event costs	240.14	
			01-4370	Paint & Event costs	17.62	
			03-4370	Garden Supplies	81.08	
				Paint & Event costs	52.84	391.68
1943553	02/08/2023	Stericycle, Inc.	01-5805	Confidential Shredding	28.10	
			03-5805	Confidential Shredding	84.30	112.40
1943554	02/08/2023	Sonoma County Office Of Ed.	01-5862	Fingerprinting for 2022-2023 school year	7.00	
			03-5862	Fingerprinting for 2022-2023 school year	21.00	28.00
1943555	02/08/2023	Veritable Vegetable	13-4710	Cafeteria		759.65
Total Number of Checks					59	855,436.32

Fund Summary

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

ESCAPE ONLINE

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Checks Dated 01/17/2023 through 02/10/2023

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
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Fund Summary

Fund	Description	Check Count	Expensed Amount
01	General Fund	32	17,411.08
03	General Fund/charter School	27	15,508.04
13	Cafeteria Fund	20	11,730.61
14	Deferred Maintenance Fund	1	65.00
40	Spec Rsrve For Cap Outlay Prc	7	810,721.59
Total Number of Checks		59	855,436.32
Less Unpaid Sales Tax Liability			.00
Net (Check Amount)			855,436.32

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


ESCAPE ONLINE

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Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.2 2nd Grade Rotary Learn to Swim Program- 4/18-5/11/2023
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Learn to Swim program.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through the consent agenda

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

Teacher: Figueroa
Class or Group: 2nd
Objectives of Field Trip: Learn to Swim
Date of Trip: Tuesdays & Thursdays 4/18-5/11
Time Leaving: 10:45
Time Returning: Tuesdays 1:30 Thursdays 1:10
Destination: Ives Pool

Other places you may go during the Field Trip: _____

Bus required? Yes ☒ No ☐ Number of Students 24

Parents driving? Yes ☐ No ☒ Cost to Student? _____

If sack lunches are required [notify kitchen at least 5 days before trip], how many? _____

Requested by: Deather Figueroa Date: 1/25/2023

Approved by: _____ Date: _____
Principal

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY: _____ Superintendent _____ Date _____


Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.3 4th Grade Field Trip: Malakoff Diggins/ California Gold Rush 5/10-12
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 4th Grade FT 52023.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through consent agenda

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

Teacher: Erica Ferguson
Class or Group: 4th grade class
Objectives of Field Trip: California Gold Rush history
Date of Trip: May 10th, 11th, and 12th 2023
Time Leaving: 8:30 a.m. May 10th
Time Returning: 8:00 p.m. May 12th
Destination: Mala Koff Diggins Nevada Co.
Other places you may go during the Field Trip: Nevada City

Bus required? Yes ☐ No ☒ Number of Students 29
Parents driving? Yes ☒ No ☐ Cost to Student? \$0

If sack lunches are required [notify kitchen at least 5 days before trip], how many? 0

Requested by: [Signature] Date: 02-06-23

Approved by: [Signature] Date: 2/6/23
Principal

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY: [Signature] Date: 2/6/23
Superintendent


Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Consent Agenda
Type:	Action
Subject:	8.4 8th grade Field Trip: Point Reyes National Seashore 5/18-20
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 8th grade FT 52023.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Approve through the consent agenda

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

FIELD TRIP PLANNING/APPROVAL FORM

Teachers: Dana Durfey & Kyle Collins
Class or Group: 8th grade Class of 2023
Objectives of Field Trip: experience Point Reyes Nat'l Seashore Bioluminescence Hiking, back country camping, kayaking skills
Date of Trip: May 18-20 3 days/2 nights
Time Leaving: 9:00 am
Time Returning: 12:00 pm
Destination: Point Reyes National Seashore - Blue Waters Kayaking (415) 669-2600
Other places you may go during the Field Trip: oceanside kayaking and into the town of Point Reyes
Bus required? Yes ☐ No ☒ Number of Students 11
Parents driving? Yes ☒ No ☐ Cost to Student? _____
If sack lunches are required [notify kitchen at least 5 days before trip], how many? NONE *we will need food purchases to cook there. Plus drinks
Requested by: D. Durfey & K. Collins Date: 01/24/23
Approved by: _____ Date: _____
Principal

(For trips requiring overnight travel or accommodations only)

Additional insurance is needed for overnight field trips. Please see Ann Hayes-Stern or Missy Calvi

APPROVED BY: _____ Superintendent _____ Date _____

Reminders:

1. This form must be completed by teacher and have final approval **before** any letters are sent home or any final arrangements completed. Requests must be submitted **at least 10 days before the Field Trip**. Requests for Field Trips requiring overnight travel or accommodations must be submitted to the Governing Board no less than 120 days prior to the trip.
2. The principal should approve all letters prior to sending them home.
3. All arrangements should be completed at least three days before the field trip, so that there is reasonable time to cancel, if necessary.
4. Refer to AR 6153 to insure that all appropriate forms are completed.
5. If there are any special factors about the field trip, please use the back of this form.
6. **Notify food services before the trip.** If sack lunches are needed, a specific number must be ordered at **least five days prior** to the field trip.
7. If requesting a bus for the field trip, obtain the "Request for Transportation Service" form in the district office.
8. Lifeguards are required for all swimming activities. If the activity is at a private pool, the owner of the pool shall provide a certificate of insurance, designating the district as an additional insured, for not less than \$500,000 in liability coverage. Staff shall determine supervisory responsibilities for all chaperones.



Harmony Union School District

AGENDA ITEM

Meeting Date: 2/16/2023 - 6:00 PM
Category: Consent Agenda
Type: Action
Subject: 8.5 Minutes from the meeting held 01/19/2023

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

**Background
Information:**

Fiscal Implications:

Recommendation: approve through the consent agenda

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date: 2/16/2023 - 6:00 PM
Category: Consent Agenda
Type: Action
Subject: 8.6 Approve the Consent Agenda

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

The Consent Agenda, sometimes called the Consent Calendar, is for routine items that require Board action. Board members may request that any consent item be removed for purposes of discussion, and then acted upon as a separate item.

**Background
Information:**

Fiscal Implications:

Recommendation: That Board approves the consent agenda as shown.

Approvals:

Recommended
By:

A handwritten signature in black ink, reading "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.1 Enrollment Report
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 Enrollment Report 022023.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

A handwritten signature in black ink, reading "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

Enrollment Report

FEBRUARY ♦ 2023

Teacher	Grade	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	June 2023
Johnston	TK - Non ADA	11	11	11	11	11	7	7				
Johnston/Golden	TK - ADA	4	4	4	4	4	8	8				
Golden	K	17	18	18	18	18	18	18				
Ginn	1st	17	18	18	18	18	18	18				

		49	51	51	51	51	51	51	0	0	0	0
Home/Hospital		0	0	0	0	0	0	0	0	0	0	0

Teacher	Grade	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Figuerroa	2nd	24	23	23	22	23	24	24				
Monroe	3rd	21	22	22	22	22	23	22				
Ferguson	4th	31	31	31	30	30	30	29				
McGovern	5th	19	19	19	18	19	19	19				
Guthrie	6th	23	23	23	23	23	23	23				
Collins	7th	18	18	18	18	18	18	17				
Lanning/Durfey	8th	11	11	11	11	11	11	11				
		147	147	147	144	146	148	145	0	0	0	0

TOTAL	196	198	198	195	197	199	196	0	0	0	0
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Date Entered:

8/18/2022	9/2022	10/12/2022	11/15/2022	12/9/2022	1/17/2023	2/13/2023				
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Enrolled:

Un-Enrolled:

1 - 7th grade to Non-Public School [SPED placement]

In-House Changes:



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.2 Construction Update
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.3 Business Office Updates- Stacy Kalember
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

A handwritten signature in black ink that reads "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.4 Retirement announcement- Missy Calvi
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:  MC letter of resignation.pdf

Description:

Background
Information:

Fiscal Implications:

Recommendation:

Approvals:

Recommended
By:

A handwritten signature in black ink, reading "Matthew Morgan".

Matthew Morgan - Superintendent/Principal

Missy M. Calvi

5 February 2023

Dear HUSD School Board Members and Matthew Morgan, Superintendent/Principal,

I am writing this letter to inform HUSD officially that I will be retiring at the end of this school year – June 30, 2023.

It will be sad to say goodbye after 35+ years working in the District. But, I am also excited to begin a new adventure doing all those things one tends to put off until we have time.

Working for the District has been a great joy in my life. There have been many changes and additions over the years and I've lost count of how many Administrators; Certificated Staff and Classified Staff I've worked with - as well as the thousands of students I've been a part of their young lives.

I thank you all for your support over the years and wish HUSD all the best.

Sincerely,




Missy Calvi



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.5 School Accountability Report Cards (SARC)
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	California public & nonpublic, nonsectarian schools annually provide information to the community to allow public comparison of schools for student achievement, environment, resources & demographics.
Background Information:	By February 1 of each year, every school in California is required by state law to publish a SARC. The SARC contains information about the conditions and performance of each California public school. The SARC must be approved by the school's Site Council and accepted by the school board.
Fiscal Implications:	
Recommendation:	For the Board to accept the School Accountability Report for Harmony Elementary and Salmon Creek Charter.
Approvals:	<div>Recommended By:  Matthew Morgan - Superintendent/Principal</div>



Harmony Union School District

AGENDA ITEM

Meeting Date: 2/16/2023 - 6:00 PM
Category: Information/Correspondence/Discussion
Type: Info/Action
Subject: 9.6 Discussion of school mascot and colors

Strategic Plans:

Policy:

Enclosure

File Attachment:

Description:

**Background
Information:**

Fiscal Implications:

Recommendation: Discussion only- possible action at a later meeting

Approvals:


Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info/Action
Subject:	9.7 Discussion: Advocate with West County Transportation Agency to apply for the federal grants for electric buses through a letter or identify another way to advocate for zero particulate emissions transportation.
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	Discussion with future action
Approvals:	<div>Recommended By:  Matthew Morgan - Superintendent/Principal</div>



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Information/Correspondence/Discussion
Type:	Info
Subject:	9.8 Discussion: Battery Backup/Generator
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Board Member Development
Type:	Info
Subject:	9.9 Board Meeting Calendar and Routine Agenda Item List
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:



Board Meeting and Routine
Agenda Items Calendar.pdf



Adopted HUSD Board Meeting
Calendar 2022-23.pdf

Description:

Background Information:

Fiscal Implications:

Recommendation:

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



Harmony
Union School District

1935 Bohemian Highway
Occidental, California, 95465
Phone (707) 874-1205 • Fax (707) 874-1226
www.harmonyusd.org

Board Meeting Calendar and Routine Items

July – No meeting

August

Election Year: Resolution certifying election results

September

2nd Thursday for unaudited actuals

Public Hearing: sufficient textbooks

Public Hearing: LCP

Gann Limit Resolution

Resolution: Sufficient Textbooks

October

COI (Cost of Issuance for Bond) Summary

Public Self Insurers Annual Report

Charter Renewal for Pathways- every 5 years- next date: 2023

Local Indicators on the CA School Dashboard

Renewal of services for Electronic School Board

Election Year: if needed- appoint board member

Non Election year and election year- choose org of board date 15 days after election date

November

Annual Developer Fees Report

December

2nd Thursday due to 1st Interim Budget Deadline

Organization of the Board (date chosen in October if needs to change)

*Oath of Office in election years***

January

February

HUSD School Year calendar

SARC (School Accountability Report Card)

Comprehensive Safety Plan

March

2nd Thursday due to 2nd Interim Budget Deadline

April

Declaration of Need for Fully Qualified Educators

HUSD School Board Meeting Calendar

MOU with Pathways- every 2 years

May

School and College Legal Services of California- agreement

Contract for Legal Services Agreement

Classroom Capacity Resolution

June

Present LCAPs and Budget

Approve LCAPs and Budget- separate meeting



Harmony

Union School District

1935 Bohemian Highway
Occidental, California, 95465
Phone (707) 874-1205 • Fax (707) 874-1226
www.harmonyusd.org

Board Meeting Calendar 2022/2023

adopted 4/21/2022

Board meetings are typically held on the third Thursday of the month.

However, due to some calendar issues and deadlines this may change.

July – No meeting

August 18th

September 8th

(2nd Thursday for unaudited actuals)

October 20st

November 17th

December 8th

(2nd Thursday due to 1st Interim Budget Deadline, Organization of the Board)

January 19th

February 16th

March 9th

(2nd Thursday due to 2nd Interim Budget Deadline)

April 20th

May 18th

June 15th

(Present LCAPs and Budget)

Special Board Meeting June 16th at 9:00 am

(Approve LCAPs and Budget)

Submission Deadline: *Requests for items to be placed on the agenda must be submitted on Thursday the week before the Board meeting by 3:00 p.m.*



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Info/Action
Subject:	<p>10.1 Second reading and adoption of new board policy and updates: Sept 2022 BP 3515.3 District Police/Security Department AR 3515.3 District Police/Security Department BP 4118 Dismissal/Suspension/Disciplinary Action AR 4118 Dismissal/Suspension/Disciplinary Action BP 4119.1 Civil and Legal Rights BP 4219.1 Civil and Legal Rights BP 4319.1 Civil and Legal Rights BP 4140 Bargaining Units BP 4240 Bargaining Units BP 4340 Bargaining Units AR 4161.2 Personal Leaves AR 4261.2 Personal Leaves AR 4361.2 Personal Leaves AR 4161.5 Military Leave AR 4261.5 Military Leave AR 4361.5 Military Leave BP 4216 Probationary/Permanent Status BP 4218 Dismissal/Suspension/Disciplinary Action AR 4218 Dismissal/Suspension/Disciplinary Action BP 4218.1 Dismissal/Suspension/Disciplinary Action (Merit System) BP 6146.1 High School Graduation Requirements Fill in Blanks AR 6146.1 High School Graduation Requirements Delete AR Yes No BP 6158 Independent Study AR 6158 Independent Study BP 6164.2 Guidance/Counseling Services BP 6178 Career Technical Education AR 6178 Career Technical Education BP 6200 Adult Education AR 6200 Adult Education BP 7110 Facilities Master Plan BP 7150 Site Selection and Development AR 7150 Site Selection and Development</p>
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	<p> ViewMemberCommAttachment.aspx (6).pdf</p> <p> ViewMemberCommAttachment.aspx (7).pdf</p> <p> ViewMemberCommAttachment (1).pdf</p>
Description:	
Background	

Information:

Fiscal Implications:

Recommendation:

That the board adopts new board policy and updates: Sept 2022
BP 3515.3 District Police/Security Department
AR 3515.3 District Police/Security Department
BP 4118 Dismissal/Suspension/Disciplinary Action
AR 4118 Dismissal/Suspension/Disciplinary Action
BP 4119.1 Civil and Legal Rights
BP 4219.1 Civil and Legal Rights
BP 4319.1 Civil and Legal Rights
BP 4140 Bargaining Units
BP 4240 Bargaining Units
BP 4340 Bargaining Units
AR 4161.2 Personal Leaves
AR 4261.2 Personal Leaves
AR 4361.2 Personal Leaves
AR 4161.5 Military Leave
AR 4261.5 Military Leave
AR 4361.5 Military Leave
BP 4216 Probationary/Permanent Status
BP 4218 Dismissal/Suspension/Disciplinary Action
AR 4218 Dismissal/Suspension/Disciplinary Action
BP 4218.1 Dismissal/Suspension/Disciplinary Action (Merit System)
BP 6146.1 High School Graduation Requirements Fill in Blanks
AR 6146.1 High School Graduation Requirements Delete AR Yes No
BP 6158 Independent Study
AR 6158 Independent Study
BP 6164.2 Guidance/Counseling Services
BP 6178 Career Technical Education
AR 6178 Career Technical Education
BP 6200 Adult Education
AR 6200 Adult Education
BP 7110 Facilities Master Plan
BP 7150 Site Selection and Development
AR 7150 Site Selection and Developme

Approvals:

Recommended
By:



Matthew Morgan - Superintendent/Principal

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

Contact Name: _____ Phone: _____ Email: _____

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

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

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

CSBA UPDATE CHECKLIST – September 2022

District Name: _____

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

CSBA POLICY GUIDE SHEET

September 2022

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

Board Policy 3515.3 – District Police/Security Department

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

Administrative Regulation 3515.3 – District Police/Security Department

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

Board Policy 4118 – Dismissal/Suspension/Disciplinary Action

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

Administrative Regulation 4118 - Dismissal/Suspension/Disciplinary Action

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

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

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

Board Policy 4140/4240/4340 – Bargaining Units

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

Administrative Regulation 4161.2/4261.2/4361.2 – Personal Leaves

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

Administrative Regulation 4161.5/4261.5/4361.5 – Military Leave

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

Board Policy 4216 – Probationary/Permanent Status

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

Board Policy 4218 - Dismissal/Suspension/Disciplinary Action

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

Administrative Regulation 4218 - Dismissal/Suspension/Disciplinary Action

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

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

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

Board Policy 6146.1 – High School Graduation Requirements

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

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

DELETE – Administrative Regulation 6146.1 – High School Graduation Requirements

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

Board Policy 6158 – Independent Study

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

Administrative Regulation 6158 – Independent Study

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

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

Board Policy 6164.2 – Guidance/Counseling Services

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

Board Policy 6178 – Career Technical Education

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

Administrative Regulations 6178 – Career Technical Education

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

Board Policy 6200 – Adult Education

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

Administrative Regulation 6200 – Adult Education

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

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

Board Policy 7110 – Facilities Master Plan

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

Board Policy 7150 – Site Selection and Development

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

Administrative Regulation 7150 – Site Selection and Development

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

Board Bylaw 9100 – Organization

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

MINOR REVISION:

Board Policy 4030 – Nondiscrimination in Employment

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

Policy 3515.3: District Police/Security Department

Status: ADOPTED

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

CSBA NOTE: Education Code 38000 authorizes the Governing Board to establish a district police or security department and to employ personnel to ensure the safety of district students and staff and the security of district real and personal property. However, Education Code 38000 expresses legislative intent to encourage districts to redirect resources currently allocated to district police departments or to contracts with local law enforcement into student support services (e.g., mental health services) and professional development on cultural competency and restorative justice, if found to be a more appropriate use of resources based on student and school needs.

This policy and accompanying administrative regulation are for use by districts that choose to establish a district police or security department and may be revised to reflect district practice, including appropriate modifications to indicate whether the district has a "police" or "security" department. Pursuant to Government Code 7286, district police departments are required to establish policy on the use of force. See the section "Conduct of Officers" below and the accompanying administrative regulation.

Districts that elect not to establish a police or security department, but instead contract with local law enforcement, should consider additional training requirements for any contracted peace officers to include, but not be limited to, professional development focused on cultural competency, restorative justice, and adolescent development as applied in public schools.

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

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

CSBA NOTE: Pursuant to Penal Code 13651, entities that employ peace officers are required to review the job description that is used in recruitment and hiring and make changes that emphasize community-based policing, familiarization between law enforcement and community residents, and collaborative problem solving while de-emphasizing the paramilitary aspects of the job.

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

CSBA NOTE: The district may select either or both options below depending on whether it has a "security" and/or "police" department.

OPTION 1: (Security Department)

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

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

OPTION 2: (Police Department)

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

CSBA NOTE: The following optional paragraph is for use by districts that have a police department and choose to establish a reserve officer corps, and may be revised to reflect district practice. Education Code 35021.5 expresses legislative intent that districts be allowed to use volunteer reserve officers to the extent necessary to provide a safe

and secure school environment.

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

CSBA NOTE: The following paragraph is for use by districts that have either district police or security officers and should be modified accordingly.

Education Code 49394, as added by SB 906 (Ch. 144, Statutes of 2022), requires district police and security officers, with the support of the district, to immediately conduct an investigation and assessment of any threat or perceived threat, as defined, that a student is preparing to commit a homicidal act related to school or school activity when notified of such by district staff or a Board member. Districts are encouraged to consult with the California Office of Emergency Services (OES) and utilize resources such as the State Threat Assessment System and Regional Fusion Centers to help assess potential threats. For more information see OES' web site.

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

Conduct of Officers

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

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

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

CSBA NOTE: Pursuant to Government Code 7286, district police departments are required to have a policy that provides a minimum standard on the use of force. See the accompanying administrative regulation for information about the required components of such policy.

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

Equipment

CSBA NOTE: Penal Code 626.9 exempts peace officers from the Gun Free Schools Act, which prohibits the possession of a firearm on school grounds. Pursuant to Penal Code 830.32, the Board may determine if its police officers will carry firearms. Additionally, Education Code 38001.5 implies that the Board may determine if its security officers will be required to carry firearms.

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

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

CSBA NOTE: The following paragraph may be used by all districts that maintain a police department.

The district police department shall be eligible to receive surplus military equipment pursuant to 10 USC 2576a only

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

Records

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

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

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

State References

Description

Bus. and Prof. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNgP7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers; powers and duties

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

Federal References

10 USC 2576a
34 CFR 99.1-99.67

Description

Surplus military equipment
Family Educational Rights and Privacy

Management Resources References

California Attorney General Publication

Comm on Peace Officer Standards & Training Pub. POST Use of Force Standards and Guidelines, November 2021

Court Case

San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275

Website

U.S. Department of Homeland Security, Fusion Centers -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

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

Website

California Office of Emergency Services -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

Website

Commission on Peace Officer Standards and Training -
<https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==>

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslshFpyQ1QP0821fOy9pg==>

Website

California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==>

Cross References

0410

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/Zqs0IbYX5FOKNZRBttrSjA==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/ZEOw4ZKHcT3nfgLxRTR1fw==>

1113-E(1)

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==>

1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasIshm6slshY5Cfgr==>

1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKCtUNwljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslshQMqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/xk6nP3aXfj2ageGZ0AOmOg==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/W9sHaOeyXdMt7s7M5j1yOA==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSsb7fbslshw==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Ebffmbg==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIItBcZcF8v5agg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMlslshxLI2YOPYoMMU2U7w==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/0pnpJJzNQsT3BV52tb62ng==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/hxZXZIYiIYEfhH5M7TMUiA==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswf==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==

4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/zjAByCzxbSgUrgxcPkAw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6lY9g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZIComkqEEHCuVAIA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ZtEkQj68CnmBF0tkxldyA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHzvFGuA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslshzAQ==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAI0eLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKYNOw==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==

4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRIGezdpYQ==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/jrL5bO4AWpluswiY5aDrqHFfg==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==
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4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
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4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/4gj8pluskAr0XYZADWShtU6Wg==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/1mKDsslshrFqplus5pUTKIMeNd9A==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
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5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
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5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBsishWA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==

5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxnplusAspEj9Zg==
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5136	Gangs - https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqlPaQ==
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5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/KtRGnZAuG4slshHbkrqYBgOIA==
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5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkktiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/Y0wlSXVzp0Tdg7hpglStplusw==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUhPTbrdfxL6JpCuQ==
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5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyaklQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/RdYWsxrRSTslCkcLeACmOA==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kUSWh8nlAjslshplusgHF91pEC6g==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/a0plusNVDz9UuWKnGW6XLW4rA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/Axq9yVbrlvLTpsYmbr6dNw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==

Regulation 3515.3: District Police/Security Department

Status: ADOPTED

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

CSBA NOTE: The following regulation is for use by districts whose Governing Board has established a police or security department pursuant to Education Code 38000. Districts should revise the following regulation to reflect whether the district has a "police" or "security" department.

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

Chief of Police/Chief of Security

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

CSBA NOTE: Pursuant to Education Code 38000, the Board must set minimum qualifications for employment of the police chief or security chief, including but not limited to the qualifications described in the following paragraph. The district may expand the following paragraph to specify additional qualifications.

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

Qualifications of Security Officers

CSBA NOTE: The following section is for use by districts that employ security officers pursuant to Education Code 38000 and 38001.5.

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

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

CSBA NOTE: Item #3 below is for use by districts that authorize security officers to carry firearms; see the accompanying Board policy. Pursuant to Penal Code 832.15-832.16, after receiving an applicant's or employee's fingerprints, the Department of Justice will notify the district as to whether the individual is prohibited from possessing a firearm.

3. Be determined by DOJ not to be a person who is prohibited from possessing a firearm

CSBA NOTE: Education Code 38001.5 requires all security officers employed by the district to complete the training described below. Education Code 38001.5 also requires that the district provide the training during regular work hours unless otherwise negotiated with the employee's exclusive representative. Districts that have otherwise negotiated this provision should modify the following paragraph accordingly.

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

CSBA NOTE: The following paragraph is for use by districts that authorize security officers to carry firearms; see the accompanying Board policy.

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

Qualifications of Police Officers

CSBA NOTE: The following section is for use by districts that employ police officers pursuant to Education Code 38000 and 38001.

Before exercising the powers of a peace officer, district police officers shall satisfactorily complete an introductory

course of training prescribed by POST and shall pass the POST examination. (Penal Code 832, 832.3)

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

CSBA NOTE: Pursuant to Penal Code 832.3, district police officers must complete specialized training on the unique safety needs of a school environment within two years of the date of first employment. As a best practice, it is recommended that district police officers complete such specialized training prior to beginning employment with the district. Districts may revise the following paragraph to reflect district practice.

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

CSBA NOTE: The following paragraph may be expanded to include other trainings provided by the district.

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

CSBA NOTE: The following paragraph is for use by districts that have established a school police reserve corps as authorized by Education Code 35021.5 and 38000; see the accompanying Board policy.

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

Equipment

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

CSBA NOTE: If the district does not require officers to wear a uniform, the word "uniforms" should be deleted from the following paragraph.

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

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

Use of Force

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

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

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

CSBA NOTE: Pursuant to Government Code 7286, district police departments are required to adopt policy on the use of force. Penal Code 13519.10 requires the Commission on Peace Officer Standards and Training (POST) to develop uniform, minimum guidelines for use in the development of local policies. These guidelines are contained in, "POST Use of Force Standards and Guidelines," available on the POST web site.

Districts may expand the following section to include the policy adopted by the district police department. Districts whose officers do not carry firearms should delete or revise items #7-8 and 20, below.

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

13519.10)

1. A requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible
2. A requirement that officers only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance
3. A requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed
4. Comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to DOJ in compliance with Government Code 12525.2

CSBA NOTE: Pursuant to Government Code 7286, as amended by AB 26 (Ch. 403, Statutes of 2021), the district police department's policy is required to include that officers report potential excessive force immediately, as reflected in the following paragraph.

5. A requirement that officers immediately report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer

CSBA NOTE: Pursuant to Government Code 7286, as amended by AB 26, the district police department's policy is required to include that an officer may not be retaliated against when reporting a suspected violation of law or regulation of another officer or supervisor, as specified below.

6. A prohibition on retaliation against an officer who reports a suspected violation of law or regulation of another officer to a supervisor or other person of the law enforcement agency who has the authority to investigate the violation
7. Clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person
8. A requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm
9. Procedures for disclosing public records in accordance with Penal Code 832.7
10. Procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents
11. Comprehensive and specific guidelines regarding approved methods and devices available for the application of force

CSBA NOTE: Pursuant to Penal Code 13519.10, the regular basic course(s) for officers in the use of force and the minimum guidelines in the use of force are required to include implicit and explicit bias and cultural competency.

12. An explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased and that reflect cultural competency
13. Comprehensive and specific guidelines for the application of deadly force
14. The role of supervisors in the review of use of force applications
15. A requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so
16. Training standards and requirements relating to demonstrated knowledge and understanding of the district's use of force policy by officers, investigators, and supervisors

17. Training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities
18. Procedures to prohibit an officer from training other officers for a period of at least three years from the date that an abuse of force complaint against the officer is substantiated

CSBA NOTE: Pursuant to Government Code 7286, as amended by AB 26, the district police department's policy is required to include that an officer who fails to intercede be disciplined up to and including in the same manner as the officer who used excessive force, as reflected below.

19. A requirement that an officer that has received all required training on the requirement to intercede and fails to act pursuant to Item #3, above, be disciplined up to and including in the same manner as the officer that committed the excessive force
20. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted
21. Factors for evaluating and reviewing all use of force incidents
22. Minimum training and course titles required to meet the objectives in the use of force policy
23. A requirement for the regular review and updating of the policy to reflect developing practices and procedures

CSBA NOTE: The following paragraph is optional.

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

Personnel Status and Files

CSBA NOTE: Pursuant to Education Code 45113 (non-merit system districts) and 45301 (merit system districts), as amended by AB 486 (Ch. 666, Statutes of 2021), the length of time for a district police officer and public safety dispatcher to receive permanent classified service status is one year, as described below. See 4216 - Probationary/Permanent Status.

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

CSBA NOTE: The following paragraphs are for use by districts that have established a police department and may be adapted for use by districts that have established a security department.

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

A police officer's personnel file may be inspected during usual business hours with no loss of compensation. If the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted and shall describe the reasons supporting those corrections or deletions. Within 30 days of the request, the Superintendent or designee shall either grant the officer's request or notify the officer of the decision to refuse to grant the request. The Superintendent or designee shall state in writing the reasons for refusing any request. (Government Code 3306.5)

Disciplinary Action

CSBA NOTE: The following section is for use by districts that have established a police department. When a district police officer is under disciplinary investigation, Government Code 3303 provides the officer with the right to receive copies of any reports or complaints made by investigators or other persons, except those that are confidential. The court in *San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al.* held that personnel records of a public safety officer cannot be disclosed at public disciplinary appeal hearings without the officer's consent.

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

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

CSBA NOTE: Pursuant to Government Code 3304.5, an administrative appeal initiated by a police officer shall be conducted in accordance with district rules and procedures. Districts should consult CSBA District and County Office of Education Legal Services or the district's legal counsel prior to initiating discipline against a police officer or whenever an investigation is undertaken.

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

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

State References

Description

Bus. and Prof. Code 7583-7583.447	Private patrol operators - https://simbli.eboardsolutions.com/SU/kBDCgRBUWNzP7GLr6TxJHw==
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35021.5	School police reserve corps
Ed. Code 38000-38005	Security departments
Ed. Code 45113	Probationary period and permanent status; non-merit system districts
Ed. Code 45122.1	Classified employees; conviction of a violent or serious felony
Ed. Code 45133.5	School police department; work schedule
Ed. Code 45301	Probationary period and permanent status; merit system districts
Ed. Code 49076	Access to student records
Ed. Code 49079	Notification to teacher; student act constituting grounds for suspension or expulsion
Ed. Code 49390-49395	Homicide threats
Fam. Code 6240-6275	Emergency protective orders
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtQ==
Gov. Code 12525.2	Reports of incidents involving peace officers
Gov. Code 3300-3312	Public safety officers; rights and protections
Gov. Code 7286-7286.5	Law enforcement use of force policies
Gov. Code 8597-8598	Emergencies; peace officers
Pen. Code 13510-13519.15	Standards for recruitment and training
Pen. Code 13651	Peace officers; job descriptions
Pen. Code 13700-13702	Response to domestic violence
Pen. Code 290.45	Sex offenders; authority of peace officers to provide information
Pen. Code 626.9	Gun-Free School Zone Act of 1995
Pen. Code 646.91	Emergency protective order for stalking
Pen. Code 830-832.19	Peace officers
Pen. Code 830.32	School district and community college police
Pen. Code 830.6	Reserve police officers; powers and duties
Pen. Code 832	Course of training prescribed by Commission on Peace Officer Standards and Training
Pen. Code 832.15-832.16	Notice of prohibition against possession of firearm

Pen. Code 832.2	School peace officers; training
Pen. Code 832.7	Disclosure of personnel files in criminal or civil proceedings
Pen. Code 836	Peace officers; warrants
W&I Code 707	List of crimes
W&I Code 828-828.1	Disclosure of information re minors by law enforcement agency

Federal References

10 USC 2576a
34 CFR 99.1-99.67

Description

Surplus military equipment
Family Educational Rights and Privacy

Management Resources References

California Attorney General Publication

Comm on Peace Officer Standards & Training Pub. POST Use of Force Standards and Guidelines, November 2021

Court Case

San Diego Police Officers Association et al. v. City of San Diego Civil Service Commission et al. (2002) 104 Cal.App.4th 275

Website

U.S. Department of Homeland Security, Fusion Centers -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

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

Website

California Office of Emergency Services -
<https://simbli.eboardsolutions.com/SU/tJtHFHIU2yEDvIMpPVrtBA==>

Website

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

Website

Commission on Peace Officer Standards and Training -
<https://simbli.eboardsolutions.com/SU/Vt9GngNyfZb0gB4c21Z9mg==>

Website

California Department of Education, Safe Schools -
<https://simbli.eboardsolutions.com/SU/AxdFslhFpyQ1QP0821fOy9pg==>

Website

California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNsIsh5DoKuytasYcv9khGiA==>

Cross References

0410

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==>

0450

Comprehensive Safety Plan -
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1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBttrSjA==>

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1113-E(1)

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<https://simbli.eboardsolutions.com/SU/i5TLslsh83D1npluoytHTIsM6ew==>

1240

Volunteer Assistance -
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1240

Volunteer Assistance -
<https://simbli.eboardsolutions.com/SU/ROv5x6plusDgBotyKnO8gWH3A==>

1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/fQeslYtQfPyCw4jPFcug3A==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/tWaslsh7PMJ3L8KcyZCNmtCCg==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/yJHizKCtUNwljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2G2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.31	School Resource Officers - https://simbli.eboardsolutions.com/SU/arWmFD2oslshQMqq8vu4PX7mw==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/HJyfNTrq3yl0UnDK53CpBA==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/xk6nP3aXfj2ageGZ0A0mOg==
3515.5	Sex Offender Notification - https://simbli.eboardsolutions.com/SU/W9sHaOeyXdMt7s7M5j1yOA==
3515.6	Criminal Background Checks For Contractors - https://simbli.eboardsolutions.com/SU/rBxkz2sRS86hUFSsb7fbslshw==
3515.7	Firearms On School Grounds - https://simbli.eboardsolutions.com/SU/oslshFhmBWrrp6toa9Ebffmbg==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIItBcZcF8v5agg==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/sILMlslshxLI2YOPYoMMU2U7w==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/0pnpJJzNQsT3BV52tb62ng==
4112.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/hxZXZIYiYefhH5M7TMUiA==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqql7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjz==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==

4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/zjABYczxbSgUrgixcPkAw==
4119.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6lY9g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/RQiw5kZICOmkgEEHCuVAIA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tksxldyA==
4212.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHzvFGuA==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslshzAQ==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4Jlplus3BKAIQeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKYNOw==
4219.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==

4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRIGezdpYQ==
4312.41	Employee Drug Testing - https://simbli.eboardsolutions.com/SU/jrL5bO4AWpluswiY5aDrqHfIg==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRV0PUpuUergz7w==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/4gj8pluskAr0XYZADWShtU6Wg==
4319.43	Universal Precautions - https://simbli.eboardsolutions.com/SU/1mKDsslshrFqplus5pUTKIMeNd9A==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkHAQ==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslishWA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20a43StxVcQXvoig==

5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxnplusAspEj9Zg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/yIMR7ZJqIMYtCxVbaEWnTQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqlPaQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/J2plusQxKCdQp6eCW0ucjhxKw==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/KtRGnZAuG4slshHbkrGyBgOIA==
5141	Health Care And Emergencies - https://simbli.eboardsolutions.com/SU/D3S2sSplshJHslshY8cNhvZ66HVg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.5	Mental Health - https://simbli.eboardsolutions.com/SU/Y0wlSXVzp0Tdg7hpglStplsw==
5142.1	Identification And Reporting Of Missing Children - https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUhPTbrdfxL6JpCuQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/RdYWsxrRSTslCkCleACm0A==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/kUSWh8nlAjslshplusgHF91pEC6g==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/a0plusNVDz9UuWKnGW6XLW4rA==
5145.13	Response To Immigration Enforcement - https://simbli.eboardsolutions.com/SU/Axq9yVbrlvLTpsYmbr6dNw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==

Policy 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

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

CSBA NOTE: The following optional policy and accompanying administrative regulation are subject to collective bargaining and may be deleted or revised by any district whose agreement covers certificated employee suspension and discipline. Pursuant to Government Code 3543.2, the district and the bargaining unit representing certificated employees must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days.

For information about dismissal of substitute or temporary employees, see BP 4121 - Temporary/Substitute Personnel.

The Governing Board expects all employees to perform their jobs satisfactorily, exhibit professional and appropriate conduct, and serve as positive role models both at school and in the community. A certificated employee may be disciplined for conduct or performance in accordance with law, the applicable collective bargaining agreement, Board policy, and administrative regulation.

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. According to the Court, since the prayer, a religious activity, occurred during a period when employees would ordinarily be free to engage in personal secular activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to engage in a personal religious activity such as offering a prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

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

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

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

Suspension/Dismissal Procedures

CSBA NOTE: Education Code 44932 and 44933 specify the causes for which a certificated employee may be suspended without pay or dismissed; see the accompanying administrative regulation.

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

When the Board finds that there is cause to suspend or dismiss an employee pursuant to Education Code 44932 or 44933, it may formulate a written statement of charges specifying instances of behavior and the acts or omissions constituting the charge, the statutes and rules that the employee is alleged to have violated when applicable, and the

facts relevant to each charge. The Board shall also review any duly signed and verified written statement of charges filed by any other person. (Education Code 44934, 44934.1)

CSBA NOTE: Pursuant to Education Code 44934 and 44934.1, upon the formulation or receipt of a written statement of charges, the Governing Board may notify the employee of the Board's intent to suspend or dismiss the employee.

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

CSBA NOTE: Prior to serving the notice of suspension or dismissal, Education Code 44938 requires that, when the charge involves unsatisfactory performance or unprofessional conduct, the employee must be given time to correct the performance or conduct as provided in the following two paragraphs. According to *Crowl v. Commission on Professional Competence*, when the employee fully remediates the misconduct specified in the written notice, no disciplinary action may be taken. The *Crowl* decision did not address what could be done when the misconduct specified in the notice reoccurs. Because the lack of further misconduct may not necessarily be equal to full remediation, appropriate disciplinary action should be determined on a case-by-case basis in consultation with legal counsel and the collective bargaining agreement.

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

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

CSBA NOTE: Education Code 44936 allows a suspension or dismissal notice to be given at any time of year, except when the charge is unsatisfactory performance in which case the notice must be given during the instructional year. Education Code 44936 also requires any written notice given during the instructional year to be served personally or by mail, whereas notices outside of the instructional year must be served personally upon the employee.

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

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

CSBA NOTE: Pursuant to Education Code 44939, 44939.1, and 44940, the Board may immediately suspend an employee from performing assigned duties pending suspension or dismissal proceedings for specified causes.

Pursuant to Education Code 44939, an employee who is immediately suspended for a charge other than egregious misconduct may, within 30 days of receiving the suspension notice, serve the Board and file a motion with the Office of Administrative Hearings to seek reversal of the suspension. The review will be limited to whether the facts as alleged in the statement of charges would be a sufficient basis for immediate suspension. A hearing will be held no later than 30 days after the motion is filed, and the administrative law judge will issue a decision no later than 15 days after the hearing. During the review of the motion or while dismissal charges are pending, the Board retains the authority to determine the physical placement and assignment of the employee.

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

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

CSBA NOTE: If an employee has requested a hearing upon receiving notice of suspension or dismissal, the hearing will be conducted by the Commission on Professional Competence or an administrative law judge pursuant to Education Code 44944 or 44944.1; see the accompanying administrative regulation. The hearing before the Commission on Professional Competence must begin within six months of the employee's request for the hearing, unless extended due to extraordinary circumstances. The Commission on Professional Competence consists of an administrative law judge of the Office of Administrative Hearings, a member appointed by the Board, and a member appointed by the employee.

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

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

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana

H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

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

Management Resources References	Description
Commission on Teacher Credentialing Publication	California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334
Court Decision	Morrison v. State Board of Education (1969) 1 Cal.3d 214
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Cross References	Description
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQsg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvQqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==

3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZml57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDckQsxpNclpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB62FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIIKtBcZcF8v5agg==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
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Regulation 4118: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

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

CSBA NOTE: The following optional administrative regulation should be revised to reflect provisions applicable to the size of the district as well as any related provisions of collective bargaining agreements.

Pursuant to Government Code 3543.2, the district and certificated employee bargaining unit must, upon request of either party, negotiate causes and procedures for disciplinary action, other than dismissal and suspension beyond 15 days. If the Governing Board has adopted a collective bargaining agreement which includes such procedures, then, pursuant to Education Code 44932, the authorization to suspend an employee for up to 15 days pursuant to the procedures specified in Education Code 44933, 44934, 44934.1, 44935, 44936, 44937, 44943, and 44944 would not apply. The suspension procedures specified in Education Code 44934 and 44939 are explicitly for use only by districts that do not have a collective bargaining agreement.

Because Education Code provisions pertaining to employee suspension and dismissal are complex, districts are advised to consult with legal counsel before instituting such proceedings.

Causes for Suspension or Dismissal

CSBA NOTE: Education Code 44932 lists causes for which a certificated employee may be suspended without pay or dismissed.

The causes listed in Education Code 44932 have been found to be so broad as to be sometimes difficult to apply. However, the California Supreme Court, in *Morrison v. State Board of Education*, has articulated a seven-part test to determine fitness to teach, including (1) likelihood of recurrence of the questioned conduct or performance, (2) extenuating or aggravating circumstances, (3) effect of notoriety and publicity, (4) impairment of teacher-student relationships, (5) disruption of the education process, (6) motive, and (7) proximity or remoteness in time of conduct or performance. The conduct or performance that gives rise to the need to suspend or dismiss need not occur on or involve district property.

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

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

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

Suspension/Dismissal of Permanent Employees

CSBA NOTE: Procedures for the suspension or dismissal of permanent employees are addressed in Education Code 44932-44947.

See the accompanying Board policy for information about Board responsibilities related to reviewing the statement of charges, providing notice to the employee of the Board's intent to suspend or dismiss the employee, and, when applicable, appointing a member of the Commission on Professional Competence that will conduct a hearing on the matter.

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

1. The person preparing a written statement of charges that there is cause to suspend or dismiss an employee shall submit the signed statement to the Governing Board, or a written statement of charges shall be formulated by the Board that cause to suspend or dismiss the permanent employee exists (Education Code 44934, 44934.1)
2. The employee, upon receiving notice of the Board's intent to suspend or dismiss, may request a hearing on the matter. The hearing shall be conducted by the Commission on Professional Competence, except that any case involving only egregious misconduct shall be heard instead by an administrative law judge and, in any other case, the hearing may be conducted by an administrative law judge when both the district and the employee so stipulate. (Education Code 44943, 44944, 44944.05, 44944.1, 44944.3)
3. Except when the employee is charged solely with egregious misconduct, the district may amend the charges less than 90 days before the hearing only upon showing of good cause and upon approval of the administrative law judge. (Education Code 44934)
4. The employee shall be suspended or dismissed when the Commission on Professional Competence or administrative law judge has issued its decision supporting suspension or dismissal or, if the employee did not request a hearing, at the expiration of 30 days after service of the notice of intent to suspend or dismiss. (Education Code 44941, 44943, 44944)

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

Suspension/Dismissal of Probationary Employees

CSBA NOTE: With proper notice, the district may choose not to rehire probationary employees for the following year without giving a statement of reasons; see BP 4116 - Probationary/Permanent Status. However, during the school year, probationary employees may only be suspended without pay or dismissed for cause and in accordance with the applicable procedures specified in law.

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

CSBA NOTE: Districts with average daily attendance (ADA) of 250 or more may dismiss probationary employees during the school year in accordance with the procedures contained in Education Code 44948.3, in which case the decision whether to dismiss an employee rests with the Board rather than the Commission on Professional Competence (Option 1 below).

Districts with less than 250 ADA should select the appropriate option below depending on how the district grants permanent status to certificated employees in accordance with BP/AR 4116 - Permanent/Probationary Status. Districts with less than 250 ADA that have not adopted a collective bargaining agreement may elect to use the procedures in Education Code 44934 and 44934.1 for dismissal of probationary employees (Option 2 below), as reflected in the section "Suspension/Dismissal of Permanent Employees" above. Alternatively, Education Code 44948.2 authorizes districts with less than 250 ADA to elect to dismiss probationary employees during the school year pursuant to Education Code 44948.3 (Option 1 below). When districts with less than 250 ADA decide to use the procedures in Education Code 44948.3, their employees will become permanent employees if they are not served with a notice of non-reelection before March 15 of their second year. Since Education Code 44948.3 applies only to dismissal of probationary employees in districts with 250 ADA or more or to districts of less than 250 ADA that elect to use Education Code 44948.3, it is not appropriate for use by districts that either grant permanent

status after three consecutive years or that reelect employees from year to year without granting permanent status.

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

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

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

1. The Superintendent or designee shall give 30 days' prior written notice of dismissal, not later than March 15 in the case of second-year probationary employees. The notice shall include a statement of the reasons for the dismissal, notice of the opportunity to appeal, and, if the cause is unsatisfactory performance, a copy of the evaluation conducted pursuant to Education Code 44664.

CSBA NOTE: Pursuant to Education Code 44948.3, the probationary employee may request a hearing as provided below. The employee's failure to request a hearing within 15 days from receipt of the dismissal notice constitutes a waiver of the right to a hearing.

2. Upon receipt of the notice of dismissal, the employee may be dismissed if no request for a hearing is submitted to the Board within 15 days.

CSBA NOTE: Education Code 44948.3 authorizes the district to establish procedures for the appointment of an administrative law judge to conduct the hearing and submit a recommended decision to the Board. Item #3 may be revised to reflect any such procedures established by the district.

3. If a hearing is requested, the district may arrange for the appointment of an administrative law judge to conduct the hearing and to recommend a decision to the Board.

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

OPTION 1 ENDS HERE

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

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

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

OPTION 2 ENDS HERE

Compulsory Leave of Absence

CSBA NOTE: Whenever a certificated employee is charged with a "mandatory leave of absence offense" as defined in Education Code 44940, the district is required to place the employee on a compulsory leave of absence. Penal Code 291 requires law enforcement, including the local police, sheriff, or California Highway Patrol, to telephone the Superintendent when a school employee has been arrested for a sex offense and provide written notice to the County Superintendent of Schools and the Commission on Teacher Credentialing (CTC).

Pursuant to Education Code 44009 and 44425, CTC will revoke the credential of an individual who has been convicted of a mandatory leave of absence offense.

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

1. Any sex offense as defined in Education Code 44010

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

CSBA NOTE: Education Code 44940 permits the Board to require compulsory leave for certain "optional leave of absence offenses" as defined below.

The following optional paragraph should be revised to reflect offenses which the Board has determined will require a compulsory leave of absence.

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

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

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

CSBA NOTE: Pursuant to Education Code 44940.5, while on compulsory leave, the employee's salary may be paid if the employee provides a suitable bond or other acceptable security as a guarantee that the leave-period salary will be repaid if the employee is convicted of the charges or fails to return to district service. If the employee is acquitted or the charges are dismissed, the district must reimburse the employee for the cost of the bond upon return to service in the district. If an employee who does not furnish a bond or other security is acquitted or the charges are dismissed, the district must pay the employee's salary for the time spent on leave upon return to service.

Education Code 44940.5 specifies that, if the charges against an employee are dismissed as a result of the employee's successful completion of a drug diversion program and the employee returns to service, the employee may elect to receive payment for any accrued leave and differential pay for the length of the employee's leave of absence.

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

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

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

State References

Description

5 CCR 80303	Reports of change in employment status; alleged misconduct
5 CCR 80304	Notice of sexual misconduct
CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 44008	Effect of termination of probation
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense

Ed. Code 44242.5	Reports and review of alleged misconduct
Ed. Code 44425	Conviction of a sex or narcotic offense
Ed. Code 44660-44665	Evaluation and assessment of performance of certificated employees
Ed. Code 44830.1	Criminal record summary certificated employees
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44930-44988	Resignations, dismissals and leaves of absence
Ed. Code 45055	Drawing of warrants for teachers
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 51530	Advocacy or teaching of communism
Gov. Code 1028	Advocacy of communism
Gov. Code 11505-11506	Hearing
Gov. Code 3543.2	Scope of representation
H&S Code 11054	Schedule I; substances included
H&S Code 11055	Schedule II; substances included
H&S Code 11056	Schedule III; substances included
H&S Code 11357-11361	Marijuana
H&S Code 11363	Peyote
H&S Code 11364	Opium
H&S Code 11370.1	Possession of controlled substances with a firearm
Pen. Code 11165.2-11165.6	Child abuse or neglect; definitions
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 187	Murder
Pen. Code 291	School employees arrest for sex offense
Pen. Code 667.5	Prior prison terms; enhancement of prison terms

Federal References

U.S. Constitution

Description

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

Management Resources References

Commission on Teacher Credentialing Publication

Court Decision

Court Decision

Court Decision

Website

Website

Website

Description

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

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

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

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

Office of the Attorney General -

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

Office of Administrative Hearings -

<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTih3V79tXg==>

Department of General Services, About Teacher Dismissal Case Type -

<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==>

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLIgrwrAjTkQSg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVOrBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpybttZOPNWrpR2Lc9VQ==
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3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCKQsxpNcLpvl3ATIA==
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3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIKtBcZcF8v5agg==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
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4112	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/MPR97KriNiwH94qpqg6SRw==
4112.1	Contracts - https://simbli.eboardsolutions.com/SU/livPTslsh1UwK7EcyslshYkmCBZA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/slMlslshxLI2YOPYoMMU2U7w==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPzplusoEf8ILQ==
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4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvgXeI4TKDtGnWVslshaAA==
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4114	Transfers - https://simbli.eboardsolutions.com/SU/mEpPJXC1QmDMIC74Qi4ETg==
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4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/vrsIOSKabKdr9XdJcOBqDw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
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4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==

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4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrsIshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswn3LcJJdgUB9slshA==
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4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
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4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/lDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVlilFg1dcww==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/ecU45JtmfvVslshtKkdepBplusjg==

4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgslsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsishg==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6VfGrbnQ==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclULDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87ll1DiM4BuNlpmMp4jw==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFBAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapplusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==

5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYicbKYg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Policy 4119.1: Civil And Legal Rights

Status: ADOPTED

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

CSBA NOTE: The following policy is optional and may be revised to reflect district practice. Though employees have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. In *Johnson v. Poway Unified School District*, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.

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

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. The Court held that since the prayer occurred during a break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to offer a private, personal prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

CSBA NOTE: The following optional paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

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

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and mandates districts to adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities; see BP/AR 5145.2 - Freedom of Speech/Expression. In addition, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both these provisions prohibit the disciplining of any employee who acts to protect a student engaged in any conduct authorized under these provisions.

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

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. The determination of whether a search is legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

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

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. This protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. In addition, to the extent that the employee's speech is on an issue subject to whistleblower protection, then the protections provided to employees by the whistleblower statutes would be applicable.

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

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

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

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

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

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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

State References

CA Constitution Article 1, Section 1

Ed. Code 200-262.4

Ed. Code 44040

Ed. Code 44110-44114

Ed. Code 48907

Ed. Code 48950

Ed. Code 49091.24

Ed. Code 7050-7058

Gov. Code 12650-12656

Gov. Code 12940-12953

Gov. Code 3540.1

Gov. Code 3543.5

Gov. Code 815.3

Gov. Code 820-823

Gov. Code 825.6

Lab. Code 1102.5-1106

Description

Inalienable rights

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

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

Reporting by school employees of improper governmental activity

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

Speech and other communication

Teacher rights to refuse evaluation/survey of personal life

Political activities of school officers and employees

False claims actions

Discrimination prohibited; unlawful practices

Public employment; definitions

Interference with employee's rights prohibited

Intentional torts

Tort claims act

Indemnification of public entity

Whistleblower protections

Federal References

18 USC 16

20 USC 1681-1688

20 USC 7941-7948

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. Constitution

Description

Crime of violence; definition

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

Teacher liability protection

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

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

Management Resources References

Court Decision

Court Decision

Court Decision

Description

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

New Jersey v. T.L.O. (1985) 469 U.S. 325

Garcetti v. Ceballos (2006) 547 U.S. 410

Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfeyOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdlILrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPh6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==

4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQsqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4lWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2lILWxwooVA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==

4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qk9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzczCYbz2slshslshaWog==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==

Policy 4140: Bargaining Units

Status: ADOPTED

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

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

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

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

CSBA NOTE: In East Whittier School District, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. See PERB's ruling in City of Sacramento. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA District and County Office of Education Legal Services or the district's legal counsel prior to limiting the wearing of union buttons that support the union's position in collective bargaining.

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

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

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

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

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee

organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

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

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

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

Membership

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

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

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

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

Access to New Employee Orientations

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

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation

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

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

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

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

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

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

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

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code 6254.3, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 6254.3, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v. Service Employees International Union, Local 721*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

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

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an alleged violation that involves the provision of an inaccurate or incomplete list of employees, and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of \$10,000 and attorney's fees and costs in addition to any other remedy provided by law.

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

CSBA NOTE: Government Code 3558, as amended, limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v. AFSCME*.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the

amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

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

Federal References

Federal References	Description
8 CFR 33015-33490	Recognition of exclusive representative; proceedings

8 CFR 33700-33710	Severance of established unit
8 CFR 34020	Petition to rescind organizational security arrangement
8 CFR 34055	Reinstatement of organizational security arrangement

Management Resources References

Court Decision	County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905
Court Decision	Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083
Court Decision	Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448
Public Employment Relations Board Ruling	East Whittier School District, (2004) PERB Dec. No. 1727
Public Employment Relations Board Ruling	City of Sacramento, (2019) PERB Dec. No. 2702m
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Federation of Teachers - https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==
Website	California Public Employment Relations Board - https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==
Website	California School Employees Association - https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==
Website	California Teachers Association - https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==
Website	Association of California School Administrators - https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRuCs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlgcLPJYKR9w==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==
1431	Waivers - https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==
4115	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==

4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNGn2LFslshDzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkrzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYWw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==

4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMEbAX0vQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Regulation 4161.2: Personal Leaves

Status: ADOPTED

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

CSBA NOTE: The following administrative regulation is subject to collective bargaining agreements.

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA District and County Office of Education Legal Services or the district's legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

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

CSBA NOTE: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. The following two paragraphs may be revised to reflect district practice.

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

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

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

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

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

CSBA NOTE: Pursuant to Education Code 44981, a certificated employee may use personal necessity leave for the serious illness of a member of the employee's immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult CSBA District and County Office of Education Legal Services or the district's legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, which allow the use of sick leave for the need of the employee or family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which include in the definition of "family member" a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, parent-in-law, or spouse/registered domestic partner or the employee's own serious health condition.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in Item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Leave to Perform Legal Duties" below.

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)

CSBA NOTE: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

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.

CSBA NOTE: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in Items #1-2 above and by certificated employees for the reasons specified in Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or CFRA (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

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.

CSBA NOTE: Education Code 44981 and 45207 mandate the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

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

CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages classified employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that the employee seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

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)

CSBA NOTE: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

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)

CSBA NOTE: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

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

Leaves for Crime Victims for Judicial Proceedings

CSBA NOTE: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

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

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining

agreement cannot diminish the entitlement of an employee.

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

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or more employees.

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

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution agency) or 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.

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)

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form.

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

CSBA NOTE: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

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)

CSBA NOTE: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or

licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

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

Employee Organization Activities

CSBA NOTE: The following optional section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that any certificated or classified employee may take time off without loss of compensation to serve as an elected officer of any local, statewide, or national employee organization of which the employee is a member. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Pursuant to Education Code 44987 and 45210, as amended by SB 294 (Ch. 539, Statutes of 2021), an employee's leave of absence to serve as an elected officer of an employee organization is additional to any other leave available for the employee's use by law or in agreement with the district.

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)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

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

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult CSBA District and County Office of Education Legal Services or the district's legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

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.

CSBA NOTE: The following optional paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in *Rankin v. Commission on Professional Competence*.

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

CSBA NOTE: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

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

CSBA NOTE: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

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)

CSBA NOTE: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

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

CSBA NOTE: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify

the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

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 - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==
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	Leaves of absence and vacations; classified
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 12945.1-12945.2	California Family Rights Act
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
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	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 -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>California Department of Industrial Relations -
<https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>California Federation of Teachers -
<https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==>California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>California Teachers Association -
<https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>**Cross References**

2121

4112.9

4112.9-E(1)

4112.9-E PDF(1)

4121

4121

4140

4141.6

4141.6

4143

4158

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4161

4161

DescriptionSuperintendent's Contract -
<https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshysfw==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==>Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==>Bargaining Units -
<https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==>Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==>Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==>Negotiations/Consultation -
<https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>Employee Security -
<https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==>Employee Security -
<https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==>Leaves -
<https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==>Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4IWWhd7tg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRV0PUpuUergz7w==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrI5oA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==

Regulation 4161.5: Military Leave

Status: ADOPTED

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

CSBA NOTE: Employment and re-employment rights of employees who take military leave of absence are protected by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. The district may not refuse to grant military leave, regardless of the length of employment or whether the employee volunteers for military service or is called up involuntarily.

USERRA applies to all employees, except individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period.

20 CFR 1002.149-1002.150 and 1002.210-1002.213 and guidelines issued by the Veterans' Employment and Training Service (VETS) of the U.S. Department of Labor, "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act," clarify that federal law generally protects seniority-based benefits (i.e., a right or benefit that is determined by or that accrues with length of service) that would have accrued "with reasonable certainty" had the employee remained continuously employed. Non-seniority-based benefits are generally protected to the same extent that those benefits are preserved during comparable kinds of leave under local policies or state law. The district should consult legal counsel regarding any questions about entitlements to benefits.

Note that in cases where state law provides greater protections to employees, state law supersedes federal law. In addition, the district should consult its collective bargaining agreements to determine if the bargaining agreements provide greater military leave benefits than provided by law and should modify or delete the following optional regulation accordingly.

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

The following paragraph should be revised to reflect decisions of the Board, if any, to extend compensation beyond 30 days' pay.

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether employees are compensated for military leave for periods of inactive duty training. Optional Item #4 is for use by districts that choose to provide compensation to such employees.

4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

CSBA NOTE: When calculating whether the employee has been employed by the district for a minimum of one year for purposes of determining the employee's right to a paid military leave of absence pursuant to Items #1, 2, and 4 above, the Attorney General opined in 77 Ops.Cal.Atty.Gen. 209 (1994), that all prior military service is to be counted as public agency service (i.e., the military service is "tacked on" to the amount of time employed in the district), even when a period of time lapses between the military service and district employment. However, as opined by the Attorney General in 18 Ops.Cal.Atty.Gen. 178 (1951), an employee may not "tack on" prior employment in another district. If a question arises as to whether prior service should be counted, district legal counsel should be consulted.

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

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

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

Benefits

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

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

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

CSBA NOTE: The following optional paragraph is for use by any district whose Board has taken action to extend benefits for up to 180 days to employees who are on active military duty as members of the California National Guard or a U.S. Military Reserve organization, as authorized, but not required, by Education Code 44018.

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

Vacation and Sick Leave Accrual

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

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

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

Pension Plan Service Credit

CSBA NOTE: Pursuant to Government Code 20997, employers that participate in the California Public Employees' Retirement System (CalPERS) are required to inform employees who are CalPERS members, of the rights of returning military veterans to receive employer-paid service credits for the period of active military service.

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

Employment Status

CSBA NOTE: Employees on military leave are deemed to be on furlough or leave of absence, pursuant to 20 CFR 1002.149 and, during the period of military leave, maintain non-seniority rights and benefits generally provided by the employer to other employees with similar seniority, status, and pay who are on furlough or leave of absence. However, pursuant to Education Code 44800 and Military and Veterans Code 395, absence due to military leave may not be counted in satisfaction of an uncompleted probationary period.

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

Reinstatement Rights

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

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

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

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

later than 14 days after the completion of military service.

3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

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

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

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

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

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

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

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

Notices

CSBA NOTE: 38 USC 4334 requires employers to post a notice of rights and benefits as provided below. The U.S. Secretary of Labor has provided a sample notice listing these rights which is available on the Department of Labor's USERRA web site.

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

CSBA NOTE: 38 USC 4334 states that the notice may be placed where the district customarily places employee notices, as provided below. However, the VETS', "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA)," clarifies that an employer may provide the notice in an alternative manner as long as the full text of the notice is provided. Examples include handing the notice to

employees, mailing it, or distributing it via email. The district may revise the following paragraph to reflect district practice.

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

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

State References

Ed. Code 22850-22856

Ed. Code 44018

Ed. Code 44800

Ed. Code 45059

Gov. Code 18540

Gov. Code 18540.3

Gov. Code 20990-21013

M&V Code 146

M&V Code 389

M&V Code 394

M&V Code 395-395.9

Description

Pension benefits; STRS members on military leave

Compensation for employees on active military duty

Effect of active military service on status of employees

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

Definition of armed forces

Recognized military service

Pension benefits; PERS members on military leave

Events justifying calling of militia into active service

Definitions; temporary military leave

Nondiscrimination based on military service

Military leave

Federal References

20 CFR 1002.1-1002.314

38 USC 4301-4334

Description

Uniformed Services Employment and Reemployment Rights Act of 1994

Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

U.S. Department of Labor Publication

Website

Website

Website

Website

Description

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

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

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

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

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

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

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

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

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

U.S. Department of Labor, USERRA - <https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==>

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

Cross References

2121

Description

Superintendent's Contract - <https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52lGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswizg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

Policy 4216: Probationary/Permanent Status

Status: ADOPTED

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

CSBA NOTE: Education Code 45113 mandates the Governing Board in a non-merit system district to develop rules and regulations for the personnel management of classified employees. For districts establishing the merit system pursuant to Education Code 45240-45320, rules for the efficient running of the classified service are established by the personnel commission pursuant to Education Code 45260. The following policy may be revised to reflect district practice, any applicable collective bargaining agreement, or personnel commission rules.

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

CSBA NOTE: The following paragraph should be revised to reflect the specific length of the probationary period prescribed by the district, provided the probationary period does not exceed the time limits specified below.

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

CSBA NOTE: Pursuant to Education Code 45113 (non-merit system districts) and 45301 (merit system districts), as amended by AB 486 (Ch. 666, Statutes of 2021), in order to receive permanent classified service status, a full-time district police officer and public safety dispatcher who operates a dispatch center certified by the Commission on Peace Officer Standards and Training must serve in a probationary status for not less than one year from the date of appointment to the full-time position. See AR 3515.3 - District Police/Security Department.

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

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

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

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

CSBA NOTE: Pursuant to Education Code 45301, as amended by SB 874 (Ch. 150, Statutes of 2022), the paragraph below also applies to districts that have adopted the merit system.

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

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

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

State References

Ed. Code 45113

Ed. Code 45240-45320

Description

Notification of charges; classified employees

Merit system

Management Resources References

Website

Website

Description

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

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

Cross References**Description**

3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4215	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslshzAQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRV0PUpuUergz7w==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==

Policy 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

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

CSBA NOTE: The following policy is for use by districts that have not incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have incorporated the merit system, see BP/AR 4218.1 - Dismissal/Suspension/Disciplinary Action (Merit System).

The following policy is subject to collective bargaining and may be deleted or revised by any district whose collective bargaining agreement covers classified employee dismissal, suspension, and other disciplinary action. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail.

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

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation.

Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. According to the Court, since the prayer, a religious activity, occurred during a period when employees would ordinarily be free to engage in personal secular activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to engage in a personal religious activity such as offering a prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

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

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

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

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

CSBA NOTE: Education Code 45113 mandates districts not incorporating the merit system to prescribe, by written rule or regulation, causes and procedures for disciplinary action against permanent classified employees. Also see the accompanying administrative regulation.

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

Procedures for Serious Disciplinary Proceedings

CSBA NOTE: The following section should be revised to reflect district practice.

In *Skelly v. State Personnel Board*, the California Supreme Court held that permanent public employees have a right to certain due process protections prior to any punitive disciplinary action, such as termination, suspension, or demotion. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee who may be wrongfully disciplined, without necessitating a full evidentiary hearing before the Governing Board. Therefore, CSBA recommends that the Superintendent or designee appoint a Skelly officer to evaluate whether there are reasonable grounds for believing that the employee engaged in the alleged misconduct and whether the proposed discipline is justified.

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

CSBA NOTE: Pursuant to Education Code 45113 and 45116, a permanent classified employee must be given notice of any disciplinary action against the employee, including a time period during which the employee may request a Board hearing on the charges. See the section "Initiation and Notification of Charges" in the accompanying administrative regulation.

Pursuant to Education Code 45113, the Board may delegate its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Penal Code 830.32, to an impartial third-party hearing officer. Hearings conducted by the Board or a hearing officer are not subject to the procedures used by the Office of Administrative Hearings pursuant to Government Code 11500-11529. Districts that refer all serious disciplinary matters to a third-party hearing officer rather than holding Board hearings should revise the remainder of this section accordingly.

Education Code 45113 requires the Board to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6.

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

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

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

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

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

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

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

At any time before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the

employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and shall be noted on the record.

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

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

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

CSBA NOTE: Pursuant to Education Code 44990, an administrative law judge in a suspension or dismissal hearing is required to preserve the integrity of the truth-finding function by balancing the right of a classified employee against the need to protect a minor witness.

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

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

State References

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

Federal References

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

Management Resources References

Description

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljrlLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References

Description

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLIgrwrAjTkQSG==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
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3512	Equipment - https://simbli.eboardsolutions.com/SU/eZslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCKQsxwpNclpvl3ATIA==
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3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2FjxUVQ==
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3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAIIKtBcZcF8v5agg==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLepuszfCyyw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
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4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPh6DOzDpVRGUqP8hQ==
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4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZnpZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOkrYP8gplusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==
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4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVI8pLyA79vr9rhw==
4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwzl2vjW3Eg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBi5SctVQ==
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4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrsIshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAsIsh4UhGwmbKwkbLSslf4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
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4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
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4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
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4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==
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4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
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4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgiTxWzNHPacaieY2R44UQ==
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4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNgN2LEslshTdzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
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4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==

4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapluFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87II1DiM4BuNlpmMp4jw==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplumwwwksFJslufmMfBAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapluNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWiheS2DRXblzgW5Aplus4xw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBsishkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==

9321-E PDF(1)

Closed Session -

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

9321-E PDF(2)

Closed Session -

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

Regulation 4218: Dismissal/Suspension/Disciplinary Action

Status: ADOPTED

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

Causes for Disciplinary Action

CSBA NOTE: The following section should be revised to reflect district practice. Education Code 45113 mandates districts not incorporating the merit system to prescribe, by rule or regulation, causes for disciplinary action against permanent classified employees. Pursuant to Education Code 45101, such employees may be disciplined only for cause as so prescribed.

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

CSBA NOTE: Pursuant to Education Code 45122.1, 45123, and 45124, districts must not continue to employ anyone who has been convicted of a specified sex offense, controlled substance offense, or violent or serious offense as defined, except for employees who have been rehabilitated or had their conviction reversed or the charges dismissed. Also see AR 4112.5/4212.5/4312.5 - Criminal Record Check.

1. Immoral conduct, including, but not limited to, egregious misconduct that is the basis for a sex offense as defined in Education Code 44010, a controlled substance offense as defined in Education Code 44011, or child abuse and neglect as described in Penal Code 11165.2-11165.6
2. Conduct that constitutes a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c)
3. Unlawful discrimination, including harassment, against any student or other employee
4. Violation of or refusal to obey state or federal law or regulation, Board policy, or district or school procedure
5. Falsification of any information supplied to the district, including, but not limited to, information supplied on application forms, employment records, or any other school district records
6. Unsatisfactory performance
7. Unprofessional conduct
8. Dishonesty
9. Neglect of duty or absence without leave
10. Insubordination
11. Use of alcohol or a controlled substance while on duty or in such close time proximity thereto as to affect the employee's performance
12. Destruction or misuse of district property
13. Failure to fulfill any ongoing condition of employment including, but not limited to, maintenance of any license, certificate, or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position

CSBA NOTE: Pursuant to the federal Americans with Disabilities Act (42 USC 12101-12213) and the state's Fair Employment and Housing Act (Government Code 12900-12996), the district has a duty to reasonably accommodate qualified employees with known disabilities, except when such accommodation would cause an undue hardship to the district. This accommodation is not required for individuals who are not otherwise qualified for the job.

14. A physical or mental condition which precludes the employee from the proper performance of duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law
15. Retaliation against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the

attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on or directly related to the job

16. Violation of Education Code 45303 or Government Code 1028 prohibiting the advocacy or teaching of communism
17. Any other misconduct which is of such nature that it causes discredit or injury to the district or the employee's position

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

Initiation and Notification of Charges

CSBA NOTE: Pursuant to *Skelly v. State Personnel Board*, permanent public employees are entitled to due process before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include provision of notice of the materials upon which the proposed action is based and the right to respond, either orally or in writing, to a district official ("Skelly officer") who is designated to decide whether the recommended discipline should be imposed.

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

CSBA NOTE: Education Code 45113 mandates districts to adopt disciplinary procedures which contain provisions for giving classified employees a written notice of specific charges, the employee's right to a hearing on those charges, the time within which the hearing may be requested, and a card or paper to complete to request a hearing.

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

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

Request for Board Hearing

CSBA NOTE: As provided in the section "Initiation and Notification of Charges" above, Education Code 45113 requires that the notice of disciplinary action include the time within which a hearing may be requested, which cannot be less than five days after service of the notice to the employee. In *California School Employees Association v. Livingston Union School District*, the appeals court ruled that the district failed to provide due process to an employee when it denied the employee the opportunity to request a hearing based on the employee's failure to respond within five days after service of the notice. The district's policy had established the date of "service of the notice" as the date of mailing, but the employee was a 10-month employee who was out of town when the notice was delivered. The court held that the notice was not "reasonably calculated" to provide an opportunity to timely request a hearing. Thus, it is recommended that districts use the date of the employee's receipt of the notice as the date upon which the five-day response period begins. For further information on the evidentiary hearing conducted by the Board or a hearing officer, see the accompanying Board policy.

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

Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of the request for a hearing. The request shall be delivered to the office of the Superintendent or designee during normal work hours of that office. If mailed to the office of the Superintendent or

designee, it must be received or postmarked no later than the time limit specified by the district. In cases where an order of suspension without pay has been issued in conjunction with a recommendation of dismissal, any request for a hearing on the dismissal shall also constitute a request to hear the suspension order, and the necessity of the suspension order shall be an issue in the hearing.

Employment Status Pending a Hearing

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

Compulsory Leave of Absence

CSBA NOTE: State law requires that classified employees in merit system districts and certificated employees be immediately placed on compulsory leave of absence following conviction for certain offenses specified in Education Code 44940, and gives districts discretion to place such employees on leave for other specified offenses. Although existing state law does not explicitly provide for application to classified employees in nonmerit system districts, such districts have authority pursuant to Education Code 45113 to establish causes for suspension or dismissal. The following section may be revised to reflect district practice.

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

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

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

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

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

State References

CA Constitution Article 1, Section 1

Ed. Code 35161

Ed. Code 44009

Ed. Code 44010

Ed. Code 44011

Ed. Code 44940

Ed. Code 44940.5

Ed. Code 45101

Description

Inalienable rights

Board delegation of any powers or duties

Conviction of specified crimes

Sex offense; definitions

Controlled substance offense

Compulsory leave of absence for certificated persons

Procedures when employees are placed on compulsory leave of absence

Definitions; disciplinary action and cause

Ed. Code 45109	Fixing of duties
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45302	Demotion and removal from permanent classified service
Ed. Code 45303	Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense
Ed. Code 45304	Compulsory leave of absence for classified persons
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause

Federal References

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

Management Resources References

Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal. App. 4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General - https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==
Website	Office of Administrative Hearings - https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==
Website	Department of General Services, About Teacher Dismissal Case Type - https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlrLeA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==

Cross References

1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/GPX87YasyLlgrwrAjTkQsg==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dlGslshefvOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==

3512	Equipment - https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==
3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/YcXDCkQsxpNcLpvl3ATIA==
3513.3	Tobacco-Free Schools - https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==
3513.4	Drug And Alcohol Free Schools - https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOB2FjxUVQ==
3515.2	Disruptions - https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==
3515.21	Unmanned Aircraft Systems (Drones) - https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAllKtBcZcF8v5agg==
3542	School Bus Drivers - https://simbli.eboardsolutions.com/SU/4QWcENQXnTQFBLepuszfCyyw==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4020	Drug And Alcohol-Free Workplace - https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNPZplusoEf8ILQ==
4112.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOkrYP8gplusg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvgXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqql7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==

4113.5	Working Remotely - https://simbli.eboardsolutions.com/SU/lplusUYB21IDXQLwz12vjW3Eg==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBi15SCtVQ==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plurWMBTJVdlsyg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSslf4Q==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/rdpzzrJrsafxruBrElcbGnA==
4127	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerFQ==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==
4141.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVtQ==
4157	Employee Safety - https://simbli.eboardsolutions.com/SU/pCyFLiyDAxQFxBhUbSHFA==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==
4158	Employee Security - https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPzA==
4159	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==

4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6IY9g==
4212	Appointment And Conditions Of Employment - https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/QgjTxWzNHPacaieY2R44UQ==
4212.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFolGOQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4213.5	Working Remotely - https://simbli.eboardsolutions.com/SU/SPfSMb6tOUSdTISM41uslshvw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/VEmAxwF6VTwEh7mmLHH7xg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
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4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/73WaAoB7xVTiIWdyg8jPUA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==

4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==
4227	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/gh6iL9tkxViyl74pfsyvg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGsvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4JOiqDWVVDL3OkzA==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==
4257	Employee Safety - https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshljslshio2S8eQ==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4259	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==
4261.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==
4312.42	Drug And Alcohol Testing For School Bus Drivers - https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0OUw==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4313.5	Working Remotely - https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVilIFg1dcww==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkg==
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6VfGrbnQ==

4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/tclIULDJ5tC01jFJvlegqoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLIxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4327	Temporary Athletic Team Coaches - https://simbli.eboardsolutions.com/SU/wF87II1DiM4BuNlpmMp4jw==
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4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpsplusINA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMEbAX0vQ==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/D6S5MNvzJ7r40aZtHitwjw==
4357	Employee Safety - https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==
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4359	Employee Assistance Programs - https://simbli.eboardsolutions.com/SU/TKcq760n9RZapulusNRYWW1VUQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.11	Industrial Accident/Illness Leave - https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==

5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/qSbCRxeqGQsBuNxpZPtPGQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6162.54	Test Integrity/Test Preparation - https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

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

Status: ADOPTED

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

CSBA NOTE: The following optional policy is for use by districts that have incorporated the merit system for classified employees pursuant to Education Code 45240-45320. For procedures applicable to districts that have not incorporated the merit system, see BP/AR 4218 -Dismissal/Suspension/Disciplinary Action.

Pursuant to Education Code 45260-45261, in a merit system district, the personnel commission has authority to prescribe rules for the efficiency of the classified service, including rules pertaining to demotions, transfers, and dismissals of classified employees. The following policy may be replaced by and/or supplemented with the personnel commission rules.

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

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation.

Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. According to the Court, since the prayer, a religious activity, occurred during a period when employees would ordinarily be free to engage in personal secular activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to engage in a personal religious activity such as offering a prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

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

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

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

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

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

CSBA NOTE: The following paragraph should be revised to reflect district practice. In *Skelly v. State Personnel Board*, the California Supreme Court held that permanent public employees have a property right to continued public employment and that due process is required before any punitive disciplinary action, such as termination, suspension, or demotion, may be taken against such employees. These procedural rights include notice of the

proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee against wrongful discipline without necessitating a full evidentiary hearing.

In addition, pursuant to Education Code 45306, an employee for whom disciplinary action is recommended may request a hearing before the personnel commission. The personnel commission may modify the disciplinary action, but may not make the action more stringent than was approved by the Governing Board. If the personnel commission sustains the employee's appeal, it may order all or part of the full compensation from the time of suspension, demotion, or dismissal and may establish other terms and conditions for the employee's reinstatement (e.g., compensation of the employee's expenses in pursuit of the appeal, transfer of the employee, expunction of the disciplinary action from the employee's personnel file).

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.

CSBA NOTE: Education Code 45312 requires the personnel commission to delegate its authority to an administrative law judge in cases involving allegations of egregious misconduct with a minor. Egregious misconduct is defined as immoral conduct leading to an allegation of a sex offense pursuant to Education Code 44010, a controlled substance offense pursuant to Education Code 44011, or child abuse or neglect pursuant to Penal Code 11165.2-11165.6.

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

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

State References

Description

CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 1286.2	Grounds for vacating decision of arbitrator - https://simbli.eboardsolutions.com/SU/l83sAV1PToNrlj4NXUbb8Q==
Ed. Code 11500-11506	Programs to encourage parent involvement - https://simbli.eboardsolutions.com/SU/wKyoGhsy1ENTUaG49NVwoA==
Ed. Code 35161	Board delegation of any powers or duties
Ed. Code 44009	Conviction of specified crimes
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44940.5	Procedures when employees are placed on compulsory leave of absence
Ed. Code 44990-44994	Testimony of minor witnesses at dismissal or suspension hearings
Ed. Code 45101	Definitions; disciplinary action and cause
Ed. Code 45109	Fixing of duties
Ed. Code 45123	Employment after conviction of controlled substance offense
Ed. Code 45124	Dismissal of sexual psychopath
Ed. Code 45202	Transfer of accumulated sick leave and other benefits
Ed. Code 45240-45320	Merit system
Ed. Code 45302-45307	Suspension, dismissal, or other disciplinary action; classified employees

Gov. Code 12900-12996

Gov. Code 54957

H&S Code 11054

H&S Code 11055

H&S Code 11056

H&S Code 11357-11361

H&S Code 11363

H&S Code 11364

H&S Code 11370.1

Pen. Code 11165.2-11165.6

Pen. Code 1192.7

Pen. Code 187

Pen. Code 667.5

Pen. Code 830.32

Veh. Code 1808.8

Federal References

42 USC 12101-12213

U.S. Constitution

Management Resources References

CA School Personnel Comm Association
Publication

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Court Decision

Website

Website

Website

Website

Website

Cross References

1312.1

Fair Employment and Housing Act

Complaints against employees; right to open session

Schedule I; substances included

Schedule II; substances included

Schedule III; substances included

Marijuana

Peyote

Opium

Possession of controlled substances with a firearm

Child abuse or neglect; definitions

Plea bargaining limitation

Murder

Prior prison terms; enhancement of prison terms

School district and community college police

School bus drivers; dismissal for safety-related cause

Description

Americans with Disabilities Act

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

Description

Merit Rules and Regulations: CSPCA Recommended Personnel Policies and
Procedures Manual for California School Merit Systems, 2014

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

California School Employees Association v. Personnel Commission (1970) 3
Cal.3d 139

California School Employees Association v. Bonita Unified School District
(2008) No. B200141

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

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

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

Office of the Attorney General -

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

Office of Administrative Hearings -

<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==>

Department of General Services, About Teacher Dismissal Case Type -

<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlLeA==>

CSBA District and County Office of Education Legal Services -

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

California School Personnel Commissioners Association -

<https://simbli.eboardsolutions.com/SU/67J2ZGIOTPLIPkLPLNZBKQ==>

Description

Complaints Concerning District Employees -

<https://simbli.eboardsolutions.com/SU/dlGslshefvQqyWh8DLTuprGWw==>

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO71TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDfYCKoN8w==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4112.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==
4112.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqql7w==
4112.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusrdbQ4LuGjZA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/QURcWQUtgJeCDcHbkv2IRQ==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlisg==
4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSlf4Q==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==
4200	Classified Personnel - https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTrG0G6lY9g==
4212.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==
4212.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOQ==
4212.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==
4216	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==

4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qInWNgn2LFslshDzTCLslsh592A==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzslshENYSWHwA==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4312.5	Criminal Record Check - https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==
4312.5-E(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==
4312.5-E PDF(1)	Criminal Record Check - https://simbli.eboardsolutions.com/SU/4ekuJY8plusKlIYnslshRBAHkptw==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIsheZNHpgVg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsIsHg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.24	Maintaining Appropriate Adult-Student Interactions - https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==

Policy 4219.1: Civil And Legal Rights

Status: ADOPTED

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

CSBA NOTE: The following policy is optional and may be revised to reflect district practice. Though employees have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. In *Johnson v. Poway Unified School District*, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.

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

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. The Court held that since the prayer occurred during a break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to offer a private, personal prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

CSBA NOTE: The following optional paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

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

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and mandates districts to adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities; see BP/AR 5145.2 - Freedom of Speech/Expression. In addition, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both these provisions prohibit the disciplining of any employee who acts to protect a student engaged in any conduct authorized under these provisions.

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

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. The determination of whether a search is legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

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

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. This protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. In addition, to the extent that the employee's speech is on an issue subject to whistleblower protection, then the protections provided to employees by the whistleblower statutes would be applicable.

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

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

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

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

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

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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

State References

CA Constitution Article 1, Section 1

Description

Inalienable rights

Ed. Code 200-262.4

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 44040

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

Ed. Code 44110-44114

Reporting by school employees of improper governmental activity

Ed. Code 48907

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

Ed. Code 48950

Speech and other communication

Ed. Code 49091.24

Teacher rights to refuse evaluation/survey of personal life

Ed. Code 7050-7058

Political activities of school officers and employees

Gov. Code 12650-12656

False claims actions

Gov. Code 12940-12953

Discrimination prohibited; unlawful practices

Gov. Code 3540.1

Public employment; definitions

Gov. Code 3543.5

Interference with employee's rights prohibited

Gov. Code 815.3

Intentional torts

Gov. Code 820-823

Tort claims act

Gov. Code 825.6

Indemnification of public entity

Lab. Code 1102.5-1106

Whistleblower protections

Federal References

18 USC 16

Crime of violence; definition

20 USC 1681-1688

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

20 USC 7941-7948

Teacher liability protection

42 USC 12101-12213

Americans with Disabilities Act

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

U.S. Constitution

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

Management Resources References

Court Decision

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

Court Decision

New Jersey v. T.L.O. (1985) 469 U.S. 325

Court Decision

Garcetti v. Ceballos (2006) 547 U.S. 410

Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfeyOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdlILrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPh6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==

4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EukFEWg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplusseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4lWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2lILWxwooVA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==

4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
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4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qk9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzczCYbz2slshslshaWog==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==

Policy 4240: Bargaining Units

Status: ADOPTED

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

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

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

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

CSBA NOTE: In East Whittier School District, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. See PERB's ruling in City of Sacramento. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA District and County Office of Education Legal Services or the district's legal counsel prior to limiting the wearing of union buttons that support the union's position in collective bargaining.

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

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

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

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

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee

organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

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

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

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

Membership

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

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

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

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

Access to New Employee Orientations

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

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation

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

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

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

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

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

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

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

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code 6254.3, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 6254.3, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v. Service Employees International Union, Local 721*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

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

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an alleged violation that involves the provision of an inaccurate or incomplete list of employees, and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of \$10,000 and attorney's fees and costs in addition to any other remedy provided by law.

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

CSBA NOTE: Government Code 3558, as amended, limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v. AFSCME*.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the

amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

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

Federal References

Federal References	Description
8 CFR 33015-33490	Recognition of exclusive representative; proceedings

8 CFR 33700-33710

Severance of established unit

8 CFR 34020

Petition to rescind organizational security arrangement

8 CFR 34055

Reinstatement of organizational security arrangement

Management Resources References

Description

Court Decision

County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905

Court Decision

Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083

Court Decision

Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448

Public Employment Relations Board Ruling

East Whittier School District, (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling

City of Sacramento, (2019) PERB Dec. No. 2702m

Website

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

Website

California Federation of Teachers - <https://simbli.eboardsolutions.com/SU/6TJlNbikoQhGwsWiH4ztXQ==>

Website

California Public Employment Relations Board - <https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

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

Website

California Teachers Association - <https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>

Website

Association of California School Administrators - <https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRuCs3xsMA==>

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlgcLPJYKR9w==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==>

1431

Waivers - <https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==>

4113

Assignment - <https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==>

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4115

Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==>

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Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==>

4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
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4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNGn2LFslshTdzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDILbw==
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4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
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4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==
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4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==

4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
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4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==
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4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Regulation 4261.2: Personal Leaves

Status: ADOPTED

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

CSBA NOTE: The following administrative regulation is subject to collective bargaining agreements.

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA District and County Office of Education Legal Services or the district's legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

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

CSBA NOTE: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. The following two paragraphs may be revised to reflect district practice.

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

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

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

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

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

CSBA NOTE: Pursuant to Education Code 44981, a certificated employee may use personal necessity leave for the serious illness of a member of the employee's immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult CSBA District and County Office of Education Legal Services or the district's legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, which allow the use of sick leave for the need of the employee or family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which include in the definition of "family member" a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, parent-in-law, or spouse/registered domestic partner or the employee's own serious health condition.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in Item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Leave to Perform Legal Duties" below.

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)

CSBA NOTE: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

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.

CSBA NOTE: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in Items #1-2 above and by certificated employees for the reasons specified in Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or CFRA (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

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.

CSBA NOTE: Education Code 44981 and 45207 mandate the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

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

CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages classified employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that the employee seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

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)

CSBA NOTE: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

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)

CSBA NOTE: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

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

Leaves for Crime Victims for Judicial Proceedings

CSBA NOTE: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

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

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining

agreement cannot diminish the entitlement of an employee.

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

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or more employees.

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

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution agency) or 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.

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)

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form.

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

CSBA NOTE: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

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)

CSBA NOTE: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or

licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

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

Employee Organization Activities

CSBA NOTE: The following optional section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that any certificated or classified employee may take time off without loss of compensation to serve as an elected officer of any local, statewide, or national employee organization of which the employee is a member. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Pursuant to Education Code 44987 and 45210, as amended by SB 294 (Ch. 539, Statutes of 2021), an employee's leave of absence to serve as an elected officer of an employee organization is additional to any other leave available for the employee's use by law or in agreement with the district.

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)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

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

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult CSBA District and County Office of Education Legal Services or the district's legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

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.

CSBA NOTE: The following optional paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in *Rankin v. Commission on Professional Competence*.

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

CSBA NOTE: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

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

CSBA NOTE: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

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)

CSBA NOTE: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

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

CSBA NOTE: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify

the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

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 - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==
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	Leaves of absence and vacations; classified
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 12945.1-12945.2	California Family Rights Act
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
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	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 - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
California Department of Industrial Relations - <https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>
California Federation of Teachers - <https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==>
California Public Employment Relations Board - <https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>
California School Employees Association - <https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>
California Teachers Association - <https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>

Cross References

2121
4112.9
4112.9-E(1)
4112.9-E PDF(1)
4121
4121
4140
4141.6
4141.6
4143
4158
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4161

Description

Superintendent's Contract - <https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>
Employee Notifications - <https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshsvfw==>
Employee Notifications - <https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==>
Employee Notifications - <https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==>
Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>
Temporary/Substitute Personnel - <https://simbli.eboardsolutions.com/SU/Eytslsh362LVdH2oTivuLm8gA==>
Bargaining Units - <https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==>
Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==>
Concerted Action/Work Stoppage - <https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==>
Negotiations/Consultation - <https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>
Employee Security - <https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==>
Employee Security - <https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==>
Leaves - <https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==>
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4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4IWWhd7tg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
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4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
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4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRV0PUpuUergz7w==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==

Regulation 4261.5: Military Leave

Status: ADOPTED

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

CSBA NOTE: Employment and re-employment rights of employees who take military leave of absence are protected by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. The district may not refuse to grant military leave, regardless of the length of employment or whether the employee volunteers for military service or is called up involuntarily.

USERRA applies to all employees, except individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period.

20 CFR 1002.149-1002.150 and 1002.210-1002.213 and guidelines issued by the Veterans' Employment and Training Service (VETS) of the U.S. Department of Labor, "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act," clarify that federal law generally protects seniority-based benefits (i.e., a right or benefit that is determined by or that accrues with length of service) that would have accrued "with reasonable certainty" had the employee remained continuously employed. Non-seniority-based benefits are generally protected to the same extent that those benefits are preserved during comparable kinds of leave under local policies or state law. The district should consult legal counsel regarding any questions about entitlements to benefits.

Note that in cases where state law provides greater protections to employees, state law supersedes federal law. In addition, the district should consult its collective bargaining agreements to determine if the bargaining agreements provide greater military leave benefits than provided by law and should modify or delete the following optional regulation accordingly.

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

The following paragraph should be revised to reflect decisions of the Board, if any, to extend compensation beyond 30 days' pay.

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether employees are compensated for military leave for periods of inactive duty training. Optional Item #4 is for use by districts that choose to provide compensation to such employees.

4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

CSBA NOTE: When calculating whether the employee has been employed by the district for a minimum of one year for purposes of determining the employee's right to a paid military leave of absence pursuant to Items #1, 2, and 4 above, the Attorney General opined in 77 Ops.Cal.Atty.Gen. 209 (1994), that all prior military service is to be counted as public agency service (i.e., the military service is "tacked on" to the amount of time employed in the district), even when a period of time lapses between the military service and district employment. However, as opined by the Attorney General in 18 Ops.Cal.Atty.Gen. 178 (1951), an employee may not "tack on" prior employment in another district. If a question arises as to whether prior service should be counted, district legal counsel should be consulted.

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

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

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

Benefits

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

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

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

CSBA NOTE: The following optional paragraph is for use by any district whose Board has taken action to extend benefits for up to 180 days to employees who are on active military duty as members of the California National Guard or a U.S. Military Reserve organization, as authorized, but not required, by Education Code 44018.

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

Vacation and Sick Leave Accrual

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

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

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

Pension Plan Service Credit

CSBA NOTE: Pursuant to Government Code 20997, employers that participate in the California Public Employees' Retirement System (CalPERS) are required to inform employees who are CalPERS members, of the rights of returning military veterans to receive employer-paid service credits for the period of active military service.

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

Employment Status

CSBA NOTE: Employees on military leave are deemed to be on furlough or leave of absence, pursuant to 20 CFR 1002.149 and, during the period of military leave, maintain non-seniority rights and benefits generally provided by the employer to other employees with similar seniority, status, and pay who are on furlough or leave of absence. However, pursuant to Education Code 44800 and Military and Veterans Code 395, absence due to military leave may not be counted in satisfaction of an uncompleted probationary period.

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

Reinstatement Rights

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

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

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

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

later than 14 days after the completion of military service.

3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

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

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

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

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

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

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

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

Notices

CSBA NOTE: 38 USC 4334 requires employers to post a notice of rights and benefits as provided below. The U.S. Secretary of Labor has provided a sample notice listing these rights which is available on the Department of Labor's USERRA web site.

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

CSBA NOTE: 38 USC 4334 states that the notice may be placed where the district customarily places employee notices, as provided below. However, the VETS', "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA)," clarifies that an employer may provide the notice in an alternative manner as long as the full text of the notice is provided. Examples include handing the notice to

employees, mailing it, or distributing it via email. The district may revise the following paragraph to reflect district practice.

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

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

State References

Ed. Code 22850-22856

Ed. Code 44018

Ed. Code 44800

Ed. Code 45059

Gov. Code 18540

Gov. Code 18540.3

Gov. Code 20990-21013

M&V Code 146

M&V Code 389

M&V Code 394

M&V Code 395-395.9

Description

Pension benefits; STRS members on military leave

Compensation for employees on active military duty

Effect of active military service on status of employees

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

Definition of armed forces

Recognized military service

Pension benefits; PERS members on military leave

Events justifying calling of militia into active service

Definitions; temporary military leave

Nondiscrimination based on military service

Military leave

Federal References

20 CFR 1002.1-1002.314

38 USC 4301-4334

Description

Uniformed Services Employment and Reemployment Rights Act of 1994

Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

U.S. Department of Labor Publication

Website

Website

Website

Website

Description

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

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

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

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

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

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

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

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

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

U.S. Department of Labor, USERRA -
<https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==>

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

Cross References

2121

Description

Superintendent's Contract -
<https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52lGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswizg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxyzg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVoPUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

Policy 4319.1: Civil And Legal Rights

Status: ADOPTED

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

CSBA NOTE: The following policy is optional and may be revised to reflect district practice. Though employees have the same constitutional and statutory rights as other citizens, there are situations in which the district may limit some of those rights. In *Johnson v. Poway Unified School District*, the federal court of appeals found that a district's action controlling the speech of its employee when the employee posted two large banners that contained text which when taken out of context promoted a religious viewpoint did not violate the employee's First Amendment right when the speech occurred at work in the employee's role as a teacher.

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

CSBA NOTE: When disciplining an employee, the district must ensure that all the surrounding facts and circumstances are considered and analyzed within the parameters of any applicable constitutional or legal framework. In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district violated the employee's protected free exercise and free speech rights when the district did not rehire the employee, a coach, for refusing to follow the district's direction to refrain from kneeling and praying at the 50-yard line immediately after each football game. The district's direction was based on a concern that the employee's prayer violated the district's religious practices policy and could subject the district to an Establishment Clause violation. Notwithstanding that the prayer occurred at a school event and in the presence of students, the court reasoned that the timing and circumstances indicated that the coach's prayers were offered as a private citizen rather than as a district employee. The Court held that since the prayer occurred during a break, a period when employees would ordinarily be free to engage in personal activities such as speaking with friends, checking email, calling for restaurant reservations, etc., the district's concerns about a possible Establishment Clause violation did not justify restricting the employee's free exercise and free speech rights to offer a private, personal prayer. Employee discipline, especially with respect to suspension and dismissal, involves complex legal considerations and districts are advised to consult CSBA District and County Office of Education Legal Services or the district's legal counsel, accordingly.

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

CSBA NOTE: The following optional paragraph provides for the right to privacy of district employees pursuant to Article 1, Section 1 of the California Constitution. In addition, Education Code 49091.24 allows teachers the right to refuse to submit to district surveys or evaluations concerning certain personal beliefs as stated below.

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

CSBA NOTE: Education Code 48907 gives students the right to exercise freedom of speech and of the press and mandates districts to adopt reasonable rules and regulations concerning the time, place, and manner for students to engage in those activities; see BP/AR 5145.2 - Freedom of Speech/Expression. In addition, Education Code 48950 prohibits a district from disciplining any high school student solely for the student's speech or other communication which would be protected by either the U.S. or California Constitution if engaged in outside of school campus. Both these provisions prohibit the disciplining of any employee who acts to protect a student engaged in any conduct authorized under these provisions.

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

CSBA NOTE: When investigating an allegation of employee misconduct, the district may need to consider whether a search of the employee's desk, files, or other district-provided equipment, such as a computer or cell phone, is warranted. The determination of whether a search is legally justified is complex and depends on whether the employee has a reasonable expectation of privacy in the items to be searched and whether the search is reasonable at its inception. Given the legal complexities, it is recommended that CSBA District and County Office of Education Legal Services or district legal counsel be consulted prior to a search and that employees conducting searches receive appropriate instruction as to how the search is to be conducted.

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

Whistleblower Protection

CSBA NOTE: Education Code 44110-44114, the Reporting by School Employees of Improper Governmental Activities Act, and Labor Code 1102.5 provide "whistleblower protection" to employees who refuse to be a party to, or who report, noncompliance with a state or federal law or regulation. This protection does not cover employees when they speak out within their employment setting on matters related to their official duties. In *Garcetti v. Ceballos*, the U.S. Supreme Court held that when public employees speak out in the workplace about work-related issues, they may be subject to employee discipline since they are not speaking as citizens for First Amendment purposes. However, employees have the right to speak out as concerned citizens outside of the work environment. In addition, to the extent that the employee's speech is on an issue subject to whistleblower protection, then the protections provided to employees by the whistleblower statutes would be applicable.

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

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

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

CSBA NOTE: An employee may be liable for an action in civil damages for interfering with the right of another employee to disclose an improper governmental action. In *Hartnett v. Crosier*, a California appellate court ruled that "management employees" could also be held liable for their acts of retaliation committed when acting in a supervisory role.

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

Protection Against Liability

CSBA NOTE: 20 USC 7941-7948 limit the liability of teachers, principals, and other school personnel who maintain discipline and/or ensure safety when harm is caused while they are acting within the scope of their employment. The law also applies to Governing Board members; see BB 9260 - Legal Protection. The following section is made applicable to all employees; however, any district that wishes to apply the section only to teachers should modify the section accordingly.

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

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

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to rights or safety of the individual harmed.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee was not properly licensed, if required, by state law for such activities.

4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.
8. The misconduct occurred during background investigations, or other actions, involved in the employee's hiring.

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

State References

CA Constitution Article 1, Section 1

Ed. Code 200-262.4

Ed. Code 44040

Ed. Code 44110-44114

Ed. Code 48907

Ed. Code 48950

Ed. Code 49091.24

Ed. Code 7050-7058

Gov. Code 12650-12656

Gov. Code 12940-12953

Gov. Code 3540.1

Gov. Code 3543.5

Gov. Code 815.3

Gov. Code 820-823

Gov. Code 825.6

Lab. Code 1102.5-1106

Description

Inalienable rights

Prohibition of discrimination -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

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

Reporting by school employees of improper governmental activity

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

Speech and other communication

Teacher rights to refuse evaluation/survey of personal life

Political activities of school officers and employees

False claims actions

Discrimination prohibited; unlawful practices

Public employment; definitions

Interference with employee's rights prohibited

Intentional torts

Tort claims act

Indemnification of public entity

Whistleblower protections

Federal References

18 USC 16

20 USC 1681-1688

20 USC 7941-7948

42 USC 12101-12213

42 USC 2000d-2000d-7

42 USC 2000e-2000e-17

U.S. Constitution

Description

Crime of violence; definition

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

Teacher liability protection

Americans with Disabilities Act

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended

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

Management Resources References

Court Decision

Court Decision

Court Decision

Description

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

New Jersey v. T.L.O. (1985) 469 U.S. 325

Garcetti v. Ceballos (2006) 547 U.S. 410

Court Decision	Hartnett v. Crosier (2012) 205 Cal.App.4th 685
Court Decision	Johnson v. Poway Unified School District (2011) 658 F.3d 954
Court Decision	O'Conner v. Ortega (1987) 480 U.S. 709
Court Decision	Ohton v. CSU San Diego (2007) 56 Cal.Rptr.3d 111
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==

Cross References

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/dIGslshfeyOqyWh8DLTuprGWw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEedfwjAA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJkOFJdr6rBfMAplusbMplusg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/c91k4TalBYjVbGbM2oPzSw==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==
3400	Management Of District Assets/Accounts - https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdlILrBjXYxC1w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4040	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==
4040-E(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/Fe6BHPh6DOzDpVRGUqP8hQ==
4040-E PDF(1)	Employee Use Of Technology - https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==

4119.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==
4119.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4132	Publication Or Creation Of Materials - https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==
4136	Nonschool Employment - https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==
4140	Bargaining Units - https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==
4144	Complaints - https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAE0w==
4144	Complaints - https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlOeLA==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==
4219.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==
4219.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQsqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4232	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==
4236	Nonschool Employment - https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4lWhd7tg==
4244	Complaints - https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==
4244	Complaints - https://simbli.eboardsolutions.com/SU/T94gjCe5she2lILWxwooVA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==

4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4332	Publication or Creation of Materials - https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==
4336	Nonschool Employment - https://simbli.eboardsolutions.com/SU/qk9cCPXhorJH0YcplusuQVXhQ==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==
4344	Complaints - https://simbli.eboardsolutions.com/SU/35PWlyWDSzczCYbz2slshslshaWog==
9260	Legal Protection - https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==

Policy 4340: Bargaining Units

Status: ADOPTED

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

CSBA NOTE: Pursuant to Government Code 3544, an employee organization may become the employees' exclusive representative for negotiations by filing a request with the district providing proof that a majority of the employees in an appropriate unit wish to be represented by that organization. Notice of such request must be immediately posted conspicuously on all employee bulletin boards in each district facility in which members of the unit are employed. Government Code 3544.1 requires the district to grant the request for recognition unless (1) the district doubts the appropriateness of the unit, (2) another employee organization files a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 work days of the posting of notice of the written request, or (3) the district currently has a lawful written agreement with another employee organization representing the same employees.

"Exclusive representative," as defined in Government Code 3540.1, means an employee organization recognized or certified as the exclusive negotiating representative for all district employees other than management and confidential employees.

Government Code 3543 provides that public school employees have the right to represent themselves individually in their employment relations with the district except that, once an exclusive representative has been recognized, an employee in that unit is prohibited from meeting and negotiating with the district.

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

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

CSBA NOTE: In East Whittier School District, the Public Employment Relations Board (PERB) found that the district's policy limiting the wearing of union buttons that favor or oppose any matter that is the subject of negotiations in the classroom or in other instructional areas in the presence of students violated the Educational Employment Relations Act, as there was no finding of special circumstances which would limit the established right of employees to wear union buttons in the workplace, nor was there a finding that wearing the union buttons was a political activity. PERB continues to use a case-by-case approach to determine whether a district's policy restricting the wearing of union buttons by employees is justified by special circumstances. See PERB's ruling in City of Sacramento. Due to the legal uncertainty in this area, districts are encouraged to consult CSBA District and County Office of Education Legal Services or the district's legal counsel prior to limiting the wearing of union buttons that support the union's position in collective bargaining.

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

Formation of Bargaining Units

CSBA NOTE: The following section contains legal requirements for the certification or recognition of bargaining units for different categories of employees.

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

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

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

CSBA NOTE: Pursuant to Government Code 3543.4, management and confidential employees, as defined in Government Code 3540.1, are excluded from the right to be represented in negotiations by an employee

organization. PERB ultimately determines, based upon the duties of the position, which positions qualify as "management" or "confidential" and thus are excluded from bargaining.

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

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

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

Membership

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

CSBA NOTE: The remainder of this section is optional. Government Code 3553 establishes requirements for districts that choose to disseminate a mass communication regarding employees' rights to join, support, or refrain from joining or supporting an employee organization. A "mass communication" means any written document, including a script for an oral or recorded presentation or message, intended for multiple employees.

Districts should exercise caution and consult with CSBA District and County Office of Education Legal Services or the district's legal counsel before communicating with employees about their rights to join or not join an employee organization to avoid violating the law against unfair labor practices. When an employee approaches the district with questions specifically about the benefits of the membership in an employee organization, the employee should be referred to the employee organization.

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

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

Access to New Employee Orientations

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

Following a request to negotiate by either party, the structure, time, and manner of access to new employee orientations shall be determined by mutual agreement of the district and the exclusive representative. If the district and exclusive representative fail to reach an agreement, matters related to access to the new employee orientation

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

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

CSBA NOTE: The following paragraph applies until June 30, 2025, unless the date is extended by law. Government Code 3556, as amended by SB 191 (Ch. 67, Statutes of 2022), provides additional obligations for public employers under the conditions specified in the following paragraph.

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

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

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

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

Access to Employee Contact Information

CSBA NOTE: Pursuant to Government Code 3558, districts are required to provide recognized employee organizations with specified contact information for new employees in the bargaining unit, as provided below. The information required by Government Code 3558 must be provided in a manner consistent with Government Code 6254.3, which authorizes disclosure of an employee's home address, home telephone number(s), and personal cell phone number to an employee organization unless the district receives a written request by the employee to not disclose the information. Pursuant to Government Code 6254.3, the personal email address of an employee is not disclosable unless used by the employee to conduct public business. The following paragraph should be revised if districts have an agreement with their employee organization(s) requiring more frequent or more detailed contact lists.

In *County of Los Angeles v. Service Employees International Union, Local 721*, the California Supreme Court held that (1) an employer has a duty to provide information relevant to collective bargaining to the applicable bargaining unit and failure to do so is a violation of the employer's obligation to bargain in good faith; (2) the disclosure of an employee's home address and phone number(s) by an employer to the union is presumptively relevant to the union's role as bargaining agent and does not violate the employee's constitutional right of privacy; and (3) other avenues for implementing privacy safeguards are available, such as bargaining for a notice and opt-out procedure or drafting employment contracts that will notify employees that their home contact information is subject to disclosure to the union and that they may request nondisclosure.

The Superintendent or designee shall provide an exclusive representative with the name, job title, department, work location, telephone numbers (work, home, and personal cell phone), personal email address(es) on file with the district, and home address of any newly hired employee in the bargaining unit, within 30 days of hire or by the first pay period of the month following hire, unless the exclusive representative has agreed to a different interval for the provision of the information. In addition, the Superintendent or designee shall provide the exclusive representative the same information in regard to all employees in the bargaining unit at least every 120 days, unless more frequent or detailed lists are required by agreement with the exclusive representative. (Government Code 3558, 6254.3)

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

CSBA NOTE: Pursuant to Government Code 3558, an employee organization is authorized, after notifying the district of a violation of the district's employee information disclosure obligations, to file a special unfair labor practice charge with PERB. Government Code 3558, as amended by SB 270 (Ch. 330, Statutes of 2021), allows the district 20 calendar days to cure an alleged violation that involves the provision of an inaccurate or incomplete list of employees, and to give the exclusive representative written notice of the actions taken. If a violation is found, PERB is required to assess against the district a civil penalty of \$10,000 and attorney's fees and costs in addition to any other remedy provided by law.

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

CSBA NOTE: Government Code 3558, as amended, limits to three times within any 12-month period a district's opportunity to cure when an inaccurate or incomplete list has been provided to an exclusive representative. The following paragraph offers a way to avoid or minimize possible violation and may be revised to reflect district practice.

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

Communications with Employees

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

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

Membership Dues or Other Payments to an Employee Organization

CSBA NOTE: Bargaining unit employees who choose to join the employee organization pay membership dues, which are deducted from the employee's salary or wage payment as provided below. Pursuant to the U.S. Supreme Court's decision in *Janus v. American Federation of State, County, and Municipal Employees*, bargaining unit employees who choose not to join an employee organization cannot be required to pay any fees to the employee organization. However, pursuant to Education Code 45060 and 45168, an employee who chooses not to join an employee organization may be charged fees for applicable services, programs, or committees provided to the employee by the employee organization if that nonmember employee first affirmatively and voluntarily consents to pay those fees to the employee organization, as required by *Janus v. AFSCME*.

Education Code 45060 and 45168 set forth the process for handling authorizations, changes, and cancellations for dues or other payments, and provide safeguards for districts that rely on information provided by an employee organization concerning such payroll deductions (i.e., the employee organization's indemnification of the district against any employee's claim based on such reliance).

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

An employee organization that certifies that it has and will maintain individual employee authorizations shall handle and process employee written authorizations for payroll deductions. When an employee organization provides such a certification to the district, the district shall rely on information from the employee organization regarding the

amounts of such payroll deductions and from which employees. The employee organization shall not be required to submit to the district a copy of the written authorization in order for the payroll deductions to be effective. However, when there is a dispute about the existence or terms of the written authorization, a copy of the employee's written authorization shall be submitted to the district. The employee organization shall indemnify the district for any employee claims regarding payroll deductions made by the district in reliance on notification from the employee organization. (Education Code 45060, 45168)

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

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

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

Federal References

Federal References	Description
8 CFR 33015-33490	Recognition of exclusive representative; proceedings

8 CFR 33700-33710

Severance of established unit

8 CFR 34020

Petition to rescind organizational security arrangement

8 CFR 34055

Reinstatement of organizational security arrangement

Management Resources References

Description

Court Decision

County of Los Angeles v. Service Employees International Union, Local 721, (2013) 56 Cal. 4th 905

Court Decision

Friedrichs v. California Teachers Association, et al., (2016) 136 S.Ct. 1083

Court Decision

Janus v. American Federation of State, County and Municipal Employees, Council 31, (2018) 138 S.Ct. 2448

Public Employment Relations Board Ruling

East Whittier School District, (2004) PERB Dec. No. 1727

Public Employment Relations Board Ruling

City of Sacramento, (2019) PERB Dec. No. 2702m

Website

CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==>

Website

California Federation of Teachers - <https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==>

Website

California Public Employment Relations Board - <https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>

Website

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

Website

California Teachers Association - <https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>

Website

Association of California School Administrators - <https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXeA==>

Website

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

Description

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRuCs3xsMA==>

0450

Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==>

0460

Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlgcLPJYKR9w==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==>

1340

Access To District Records - <https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==>

1431

Waivers - <https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==>

4113

Assignment - <https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==>

4113

Assignment - <https://simbli.eboardsolutions.com/SU/BHJLvt0UWpluspJ20aXCvNAPQ==>

4115

Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==>

4115

Evaluation/Supervision - <https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3IEw==>

4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==
4119.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4141	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==
4143	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==
4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZI9utk7g==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOByblqw==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/qlnWNGn2LFslshTdzTCLslsh592A==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/EpuQDzLygwpluseQSqTDILbw==
4219.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==
4241	Collective Bargaining Agreement - https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplusgRgxQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVVDL3OkzA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/uEkwbwYWw5nplus48h2ZcgRMw==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==
4300	Administrative And Supervisory Personnel - https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==
4301	Administrative Staff Organization - https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==
4312.1	Contracts - https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==
4315	Evaluation/Supervision - https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==

4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==
4319.25	Political Activities Of Employees - https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMEbAX0vQ==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==
9321-E PDF(2)	Closed Session - https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==

Regulation 4361.2: Personal Leaves

Status: ADOPTED

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

CSBA NOTE: The following administrative regulation is subject to collective bargaining agreements.

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

CSBA NOTE: Family Code 297.5 extends to registered domestic partners the same rights that are available under state law to spouses. Thus, any reference to an employee's spouse throughout this administrative regulation also applies to a registered domestic partner, even if not expressly stated in the applicable state statute (e.g., Education Code, Military and Veterans Code). Districts should consult CSBA District and County Office of Education Legal Services or the district's legal counsel if a question arises as to leave provisions relative to an employee's domestic partner.

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

CSBA NOTE: Education Code 44985 and 45194 allow the Governing Board to expand the class of relatives listed below as "immediate family" and enlarge the benefits provided by law. In addition, Government Code 12945.2, as amended by AB 1033 (Ch. 327, Statutes of 2021), includes a parent-in-law in the definition of "parent" for purposes of California Family Rights Act (CFRA) leave. Thus, to ensure consistency, the definition of "immediate family" below includes "mother-in-law" and father-in-law," as permitted by law. The following two paragraphs may be revised to reflect district practice.

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

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

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

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

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320.

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

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

CSBA NOTE: Pursuant to Education Code 44981, a certificated employee may use personal necessity leave for the serious illness of a member of the employee's immediate family. The Board may extend these provisions to classified employees under the authority granted to the Board by Education Code 45207. Districts are cautioned to consult CSBA District and County Office of Education Legal Services or the district's legal counsel regarding any interaction of Education Code provisions with Labor Code 233, 245.5, and 246.5, which allow the use of sick leave for the need of the employee or family member for the diagnosis, care, or treatment of an existing health condition or for preventive care and which include in the definition of "family member" a registered domestic partner, grandparent, and sibling. See AR 4161.1/4361.1 - Personal Illness/Injury Leave and AR 4261.1 - Personal Illness/Injury Leave.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for federal and state provisions related to leaves for the birth, adoption, or foster placement of a new child; the care of a seriously ill child, parent, parent-in-law, or spouse/registered domestic partner or the employee's own serious health condition.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Labor Code 246.5)

CSBA NOTE: Education Code 45207 provides that classified employees may use sick leave for required court appearances, as provided in Item #4 below. Circumstances under which employees may take time off, with pay, for court appearances are described in the section on "Leave to Perform Legal Duties" below.

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)

CSBA NOTE: Items #5 and #6 are optional and may be deleted or modified to reflect district practice.

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.

CSBA NOTE: The following paragraph is optional. The district is prohibited from requiring employees to obtain advance permission prior to taking leaves in certain situations. Pursuant to Education Code 44981 and 45207, the district may not require advance permission for leaves taken by classified employees for the reasons specified in Items #1-2 above and by certificated employees for the reasons specified in Items #1-3 above. In addition, Labor Code 246.5 requires an employer to grant paid sick leave "upon the oral or written request of an employee." According to the Department of Industrial Relations, employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

Also see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for requirements pertaining to requests for leaves that qualify under the federal Family and Medical Leave Act (29 USC 2601-2654) or CFRA (Government Code 12945.1-12945.2), including provisions that allow employees to provide notice as soon as practicable when 30-day advance notice is not practicable due to lack of knowledge of the date the leave will be needed, a change in circumstances, or a medical emergency.

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.

CSBA NOTE: Education Code 44981 and 45207 mandate the adoption of regulations requiring proof of personal necessity and prescribing the manner of the required proof. The following paragraph may be revised to specify the manner of proof required by the district.

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

CSBA NOTE: Labor Code 230 prohibits the discharge of or discrimination or retaliation against an employee for taking time off for the activities specified in Items #1-2 below.

Pursuant to Education Code 44037, it is unlawful for the district or personnel commission to (1) adopt any rule, regulation, or policy that encourages classified employees to seek exemption from jury duty; (2) directly or indirectly solicit or suggest to any employee that the employee seek exemption from jury duty; or (3) discriminate against any employee with respect to assignment, employment, promotion, or in any other manner because of the employee's service on a jury panel. However, the Board or personnel commission may establish a rule providing that only a percentage of district staff, which shall not be less than two percent, shall be granted such leave with pay at any one time. The following section may be revised to reflect district practice.

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)

CSBA NOTE: The following optional paragraph is for use by districts that choose to provide leave of absence with pay for certificated employees called for jury duty, as authorized by Education Code 44036. Districts that do not grant such leave should delete this paragraph.

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)

CSBA NOTE: The following paragraph is optional. Education Code 44036 allows the Board, at its discretion, to provide paid leaves for employees to appear in court as witnesses other than as litigants or to respond to orders from another governmental jurisdiction. Districts that do not grant such leave should delete this paragraph.

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

Leaves for Crime Victims for Judicial Proceedings

CSBA NOTE: Labor Code 230.2 prohibits a district from taking adverse employment action against an employee who takes leave as described below.

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

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining

agreement cannot diminish the entitlement of an employee.

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

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or more employees.

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

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution agency) or 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.

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)

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on the web site of the Department of Industrial Relations, or may develop its own form that is substantially similar in content and clarity to the Labor Commissioner's form.

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

CSBA NOTE: Pursuant to Labor Code 230.8, the following section applies to any district employing 25 or more employees at the same location. A district with fewer than 25 employees at the same location may use or delete this section at its discretion.

Pursuant to Labor Code 230.8, an employee who is discharged, threatened with discharge, demoted, suspended, or otherwise discriminated against for using the leave is entitled to reinstatement and reimbursement for lost wages and benefits, and an employer who willfully refuses to rehire, promote, or otherwise reinstate such an employee is subject to a civil penalty equal to three times the amount of the lost wages and benefits.

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)

CSBA NOTE: Labor Code 230.8 provides that the employee may use time off without pay to the extent the district makes it available. The following optional paragraph may be revised to reflect district practice.

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

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

Upon request by the Superintendent or designee, the employee shall provide documentation from the school or

licensed child care provider that the employee engaged in permitted child-related activities on a specific date and at a particular time. (Labor Code 230.8)

Service on Education Boards and Committees

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

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

Employee Organization Activities

CSBA NOTE: The following optional section may be deleted by any district whose collective bargaining agreements expressly provide for a paid leave of absence for participation in the activities described in this section.

Education Code 44987 and 45210 provide that any certificated or classified employee may take time off without loss of compensation to serve as an elected officer of any local, statewide, or national employee organization of which the employee is a member. Following the district's payment to the employee for the leave of absence, the employee organization must reimburse the district within 10 days after receiving the district's certification of payment of compensation to the employee. This leave of absence is in addition to the release time granted to representatives of an employee organization pursuant to Government Code 3543.1.

Pursuant to Education Code 44987 and 45210, as amended by SB 294 (Ch. 539, Statutes of 2021), an employee's leave of absence to serve as an elected officer of an employee organization is additional to any other leave available for the employee's use by law or in agreement with the district.

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)

CSBA NOTE: Education Code 45210 requires districts to grant a paid leave of absence to a reasonable number of classified employees serving as unelected members of the employee organization or a statewide or national public employee organization when the employee attends "important organizational activities authorized by the public employee organization." Compensation must include the required retirement fund contributions. The employee will continue to earn full service credit during the leave and must pay member contributions as specified. Education Code 45210 also requires that an employee organization provide reasonable notification to the district when requesting a leave of absence without loss of compensation for an employee.

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

CSBA NOTE: The following optional section is for use by any district that chooses to grant religious leave and may be revised to reflect district practice. A district that does not grant such leave should delete this section. However, the district should consult CSBA District and County Office of Education Legal Services or the district's legal counsel before denying a request for religious leave since the Constitution requires districts to provide "reasonable accommodation" to employee religious practices.

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.

CSBA NOTE: The following optional paragraph reflects the California Supreme Court's interpretation of Article 1, Section 8 of the California Constitution as stated in *Rankin v. Commission on Professional Competence*.

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

CSBA NOTE: Military and Veterans Code 395.10 requires any district with 25 or more employees to allow up to 10 days of unpaid leave to an employee whose spouse is on leave from military deployment. A district with fewer than 25 employees may use the following section at its discretion. In addition, 29 USC 2612 authorizes an employee to take up to 26 work weeks of unpaid military caregiver leave or up to 12 weeks of "exigency" leave during a single 12-month period, as determined by the district; see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

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

CSBA NOTE: Labor Code 230.3 prohibits a district from discharging or discriminating against an employee who takes time off to perform emergency duty as specified below. Labor Code 230.3 defines emergency rescue personnel as a member of a federal, state, local, or private fire department or agency, as well as a sheriff or police department.

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)

CSBA NOTE: Pursuant to Labor Code 230.4, a district with 50 or more employees must grant an employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel a leave of absence for up to 14 days per calendar year for training purposes. A district with fewer than 50 employees may use or delete this paragraph at its discretion.

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

CSBA NOTE: Labor Code 1500-1507 require a district with more than 15 employees to provide at least 10 days of unpaid leave per year, beyond any leave otherwise available to employees, to employees who volunteer with the Civil Air Patrol and are directed to respond to an emergency operational mission, as provided below. Labor Code 1503 specifies that a district may not require an employee to first exhaust all accrued vacation, personal, sick, or any other available leave in order to use Civil Air Patrol leave.

If the district chooses to offer more than 10 days of such leave per year or to provide paid leave, it should modify

the following paragraph accordingly. A district with 15 or fewer employees may use or delete this section at its discretion.

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 - https://simbli.eboardsolutions.com/SU/aVyer3HNWhenL24lj43Z8w==
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	Leaves of absence and vacations; classified
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 12945.1-12945.2	California Family Rights Act
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
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Illness of child, parent, spouse or domestic partner
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	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 -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>California Department of Industrial Relations -
<https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>California Federation of Teachers -
<https://simbli.eboardsolutions.com/SU/6TJInbikoQhGwsWiH4ztXQ==>California Public Employment Relations Board -
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>California School Employees Association -
<https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==>California Teachers Association -
<https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==>**Cross References**

2121

4112.9

4112.9-E(1)

4112.9-E PDF(1)

4121

4121

4140

4141.6

4141.6

4143

4158

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4161

4161

DescriptionSuperintendent's Contract -
<https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshysfw==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==>Employee Notifications -
<https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==>Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==>Temporary/Substitute Personnel -
<https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==>Bargaining Units -
<https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==>Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==>Concerted Action/Work Stoppage -
<https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==>Negotiations/Consultation -
<https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>Employee Security -
<https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==>Employee Security -
<https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==>Leaves -
<https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==>Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==
4240	Bargaining Units - https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4IWWhd7tg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==
4241.6	Concerted Action/Work Stoppage - https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==
4243	Negotiations/Consultation - https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==
4258	Employee Security - https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRIm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshFg==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRV0PUpuUergz7w==
4340	Bargaining Units - https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaK0RA==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==
4358	Employee Security - https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshr15oA==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==

Regulation 4361.5: Military Leave

Status: ADOPTED

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

CSBA NOTE: Employment and re-employment rights of employees who take military leave of absence are protected by the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. The district may not refuse to grant military leave, regardless of the length of employment or whether the employee volunteers for military service or is called up involuntarily.

USERRA applies to all employees, except individuals employed for a brief, nonrecurrent period for which there was no reasonable expectation that such employment would continue indefinitely or for a significant period.

20 CFR 1002.149-1002.150 and 1002.210-1002.213 and guidelines issued by the Veterans' Employment and Training Service (VETS) of the U.S. Department of Labor, "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act," clarify that federal law generally protects seniority-based benefits (i.e., a right or benefit that is determined by or that accrues with length of service) that would have accrued "with reasonable certainty" had the employee remained continuously employed. Non-seniority-based benefits are generally protected to the same extent that those benefits are preserved during comparable kinds of leave under local policies or state law. The district should consult legal counsel regarding any questions about entitlements to benefits.

Note that in cases where state law provides greater protections to employees, state law supersedes federal law. In addition, the district should consult its collective bargaining agreements to determine if the bargaining agreements provide greater military leave benefits than provided by law and should modify or delete the following optional regulation accordingly.

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

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

Salary/Compensation

CSBA NOTE: Pursuant to Military and Veterans Code 395.01-395.05, employees on military leave are entitled to receive their salary or compensation for a maximum of 30 calendar days for any one leave or during one fiscal year. However, Military and Veterans Code 395.03 allows the Governing Board to extend compensation beyond the maximum of 30 calendar days for leaves taken pursuant to Items #1, 2, and 4 below through a Board resolution or a Memorandum of Understanding with an employee organization. In addition, Education Code 44018 authorizes, but does not require, the Board to provide an employee who is on active military duty as a member of the California National Guard or a U.S. Military Reserve organization, for up to 180 days, the difference between the amount of the military pay and allowances and the employee's salary.

The following paragraph should be revised to reflect decisions of the Board, if any, to extend compensation beyond 30 days' pay.

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

1. Active Military Training or Exercises: The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. The employee has been employed by the district for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

2. Active Military Duty: The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. War or Other Emergency: The employee, however long employed by the district, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)

CSBA NOTE: Pursuant to Military and Veterans Code 395 and 395.01, the district has discretion as to whether employees are compensated for military leave for periods of inactive duty training. Optional Item #4 is for use by districts that choose to provide compensation to such employees.

4. Inactive Duty Training: The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that the employee has been employed by the district for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

CSBA NOTE: When calculating whether the employee has been employed by the district for a minimum of one year for purposes of determining the employee's right to a paid military leave of absence pursuant to Items #1, 2, and 4 above, the Attorney General opined in 77 Ops.Cal.Atty.Gen. 209 (1994), that all prior military service is to be counted as public agency service (i.e., the military service is "tacked on" to the amount of time employed in the district), even when a period of time lapses between the military service and district employment. However, as opined by the Attorney General in 18 Ops.Cal.Atty.Gen. 178 (1951), an employee may not "tack on" prior employment in another district. If a question arises as to whether prior service should be counted, district legal counsel should be consulted.

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

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

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

Benefits

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

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

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

CSBA NOTE: The following optional paragraph is for use by any district whose Board has taken action to extend benefits for up to 180 days to employees who are on active military duty as members of the California National Guard or a U.S. Military Reserve organization, as authorized, but not required, by Education Code 44018.

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

Vacation and Sick Leave Accrual

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

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

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

Pension Plan Service Credit

CSBA NOTE: Pursuant to Government Code 20997, employers that participate in the California Public Employees' Retirement System (CalPERS) are required to inform employees who are CalPERS members, of the rights of returning military veterans to receive employer-paid service credits for the period of active military service.

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

Employment Status

CSBA NOTE: Employees on military leave are deemed to be on furlough or leave of absence, pursuant to 20 CFR 1002.149 and, during the period of military leave, maintain non-seniority rights and benefits generally provided by the employer to other employees with similar seniority, status, and pay who are on furlough or leave of absence. However, pursuant to Education Code 44800 and Military and Veterans Code 395, absence due to military leave may not be counted in satisfaction of an uncompleted probationary period.

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

Reinstatement Rights

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

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to the position held prior to the military service, during terminal leave prior to the employee's discharge, separation, or release from the armed forces, or within six months of the employee's release, separation, honorable discharge, or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which the employee could terminate or could cause to have terminated active service. (Education Code 44800; Military and Veterans Code 395.1)

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

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

later than 14 days after the completion of military service.

3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

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

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

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

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

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

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

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

Notices

CSBA NOTE: 38 USC 4334 requires employers to post a notice of rights and benefits as provided below. The U.S. Secretary of Labor has provided a sample notice listing these rights which is available on the Department of Labor's USERRA web site.

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

CSBA NOTE: 38 USC 4334 states that the notice may be placed where the district customarily places employee notices, as provided below. However, the VETS', "A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA)," clarifies that an employer may provide the notice in an alternative manner as long as the full text of the notice is provided. Examples include handing the notice to

employees, mailing it, or distributing it via email. The district may revise the following paragraph to reflect district practice.

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

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

State References

Ed. Code 22850-22856

Ed. Code 44018

Ed. Code 44800

Ed. Code 45059

Gov. Code 18540

Gov. Code 18540.3

Gov. Code 20990-21013

M&V Code 146

M&V Code 389

M&V Code 394

M&V Code 395-395.9

Description

Pension benefits; STRS members on military leave

Compensation for employees on active military duty

Effect of active military service on status of employees

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

Definition of armed forces

Recognized military service

Pension benefits; PERS members on military leave

Events justifying calling of militia into active service

Definitions; temporary military leave

Nondiscrimination based on military service

Military leave

Federal References

20 CFR 1002.1-1002.314

38 USC 4301-4334

Description

Uniformed Services Employment and Reemployment Rights Act of 1994

Uniformed Services Employment and Reemployment Rights Act of 1994

Management Resources References

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

U.S. Department of Labor Publication

Website

Website

Website

Website

Description

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

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

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

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

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

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

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

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

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

U.S. Department of Labor, USERRA - <https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==>

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

Cross References

2121

Description

Superintendent's Contract - <https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52lGiCg==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==
4112.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==
4116	Probationary/Permanent Status - https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJJUX7vSg==
4161	Leaves - https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zwcw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==
4212.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==
4217.3	Layoff/Rehire - https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxyzig==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==
4312.9-E(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==
4361	Leaves - https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==
4361	Leaves - https://simbli.eboardsolutions.com/SU/m93RQnCPLYUeeeBo4hULBQ==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==

Policy 6146.1: High School Graduation Requirements

Status: ADOPTED

Original Adopted Date: 12/01/2017 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

CSBA NOTE: The following policy is for use by districts that maintain grades 9-12.

The Governing Board desires to prepare all students to successfully complete the high school course of study and obtain a diploma that represents their educational achievement and increases their opportunities for postsecondary education and employment.

District students shall complete graduation course requirements as specified in Education Code 51225.3 and those adopted by the Board, except for students who are exempted as provided in "Exemptions from District-Adopted Graduation Requirements," below. Students who are exempted from district-adopted graduation requirements shall be eligible to participate in any graduation ceremony and school activity related to graduation in which other students are eligible to participate.

Course Requirements

CSBA NOTE: Education Code 51225.3 specifies the courses that a student is required to complete in order to graduate from high school as listed in Items #1-7 below.

Pursuant to Education Code 66204, each district that maintains a high school is required to develop a process for submitting courses to the University of California (UC) to review and certify that they align with the "A-G" course requirements for college admission.

To obtain a high school diploma, students shall complete the following courses in grades 9-12, with each course being one year unless otherwise specified:

1. Three courses in English (Education Code 51225.3)
2. Two courses in mathematics (Education Code 51225.3)

Students shall complete at least one mathematics course that meets the state academic content standards for Algebra I or Mathematics I. Students may complete such coursework prior to grade 9 provided that they also complete two mathematics courses in grades 9-12. (Education Code 51224.5)

CSBA NOTE: The following paragraph is for districts that require more than two mathematics courses for high school graduation. Pursuant to Education Code 51225.3 and 51225.35, a district that requires more than two courses in mathematics may award up to one mathematics course credit for an approved computer science course. Any such course must have been approved by UC as a "category C" (mathematics) course in the university's "A-G" course admission criteria; see BP 6143 - Courses of Study.

Successful completion of an approved computer science course that is classified as a "category C" course based on the University of California (UC) and California State University (CSU) "A-G" admission requirements shall be counted toward the satisfaction of additional graduation requirements in mathematics. (Education Code 51225.3, 51225.35)

3. Two courses in science, including biological and physical sciences (Education Code 51225.3)
4. Three courses in social studies, including United States (U.S.) history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3)

CSBA NOTE: Education Code 51225.3, as amended by AB 101 (Ch. 661, Statutes of 2021), no longer authorizes a course in career technical education (CTE) to serve as an alternative to the visual or performing arts or world language course requirement for high school graduation. However, if a student completed a CTE course prior to July 1, 2022 that met the requirements of Education Code 51225.3, such course will fulfill the visual or performing arts or world language graduation requirement.

5. One course in visual or performing arts or world language. For purposes of this requirement, a course in American Sign Language shall be deemed a course in world language. (Education Code 51225.3)

If a student completed a career technical education course prior to July 1, 2022 that met the requirements of Education Code 51225.3, such course will fulfill the visual or performing arts or world language requirement.

(Education Code 51225.3)

6. Two courses in physical education, unless the student has been otherwise exempted pursuant to other sections of the Education Code (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, as amended by AB 101, beginning with the 2029-30 school year, a student is required to complete a one-semester course in ethnic studies, as specified, in order to graduate from high school. At its discretion, a district may require a full-year course. Districts that require a full-year course should revise Item #7 accordingly.

7. Beginning with the 2029-30 school year, a one-semester course in ethnic studies (Education Code 51225.3)

CSBA NOTE: Pursuant to Education Code 51225.3, the Governing Board may prescribe additional coursework (e.g., health education or service learning) or other requirements (e.g., portfolios or senior projects) that district students must complete in order to obtain a diploma. If the Board does so, such courses or projects should be listed below.

If the district requires a course in health education for graduation, Education Code 51225.36 requires that the district include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. See BP 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction. In addition, pursuant to Education Code 51225.6, a district that requires a course in health education for graduation is required to include instruction in compression-only cardiopulmonary resuscitation (CPR). See AR 6143 - Courses of Study.

Pursuant to Education Code 51230, if the district requires the completion of community service hours for high school graduation, the district may provide a student with credit towards that requirement for completion of a course in community emergency response training. However, if the district chooses to offer credit for the completion of such a course, the Board is still obligated to notify parents/guardians, students, and the public of information specified in Education Code 51225.3.

8.

CSBA NOTE: Education Code 51225.3 requires the Board to adopt alternative means for students to complete the prescribed course of study. See BP/AR 6146.11 - Alternative Credits Toward Graduation.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Exemptions from District-Adopted Graduation Requirements

CSBA NOTE: Pursuant to Education Code 51225.31, as added by AB 181 (Ch. 52, Statutes of 2022), districts are required to exempt an eligible student with disabilities from all coursework and other requirements adopted by the Board that are in addition to the statewide course requirements specified in Education Code 51225.3, and award such student a high school diploma, as reflected below. Awarding a diploma pursuant to this exception does not change the district's obligation to provide a free appropriate public education or otherwise constitute a change in placement.

Prior to the beginning of grade 10, the individualized education program (IEP) team for each student with disabilities shall determine whether the student is eligible for exemption from all coursework and other requirements adopted by the Board in addition to the statewide course requirements for high school graduation, and if so, shall notify the student's parent/guardian of the exemption. A student with disabilities shall be eligible for the exemption, if the student's IEP provides for both of the following requirements: (Education Code 51225.31)

1. That the student take the alternate assessment aligned to alternate achievement standards in grade 11 as described in Education Code 60640
2. That the student complete state standards aligned coursework to meet the statewide coursework specified in Education Code 51225.3

CSBA NOTE: Education Code 51225.1 requires the district to exempt from any district-adopted graduation requirements that are in addition to the state requirements specified in Education Code 51225.3 a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district high schools any time after completing the second year of high school, or an

immigrant student who is in the third or fourth year of high school and is participating in a newcomer program (i.e., a program designed to meet the academic and transitional needs of newly arrived immigrant students that has as a primary objective the development of English language proficiency). This exemption does not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school. Also see AR 6173 - Education for Homeless Children, AR 6173.1 - Education for Foster Youth, AR 6173.2 - Education of Children of Military Families, AR 6173.3 - Education for Juvenile Court School Students, and AR 6175 - Migrant Education Program.

Pursuant to Education Code 51225.1, within 30 calendar days of the transfer into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the district is required to notify any eligible student and/or the student's parent/guardian, the person holding the right to make education decisions for the student, the district's liaison for homeless children, and the student's social worker or probation officer, as applicable, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. If the district fails to provide that notification, the student will be eligible for the exemption once notified, even if the notification is received after the termination of the court's jurisdiction over the foster youth or former juvenile court school student, after the homeless student ceases to be homeless, or after the student no longer meets the definition of a child of a military family, a migrant student, or a student participating in a newcomer program, as applicable.

Education Code 51225.1 also provides that, if an exempted student completes the statewide coursework requirements before the end of the fourth year of high school, the district or a district school must not require or request that the student graduate before the end of the fourth year of high school.

Any complaint alleging the district's failure to comply with the requirements of Education Code 51225.1 may be filed using the district's uniform complaint procedures pursuant to 5 CCR 4600-4670. See BP/AR 1312.3 - Uniform Complaint Procedures.

In addition, a foster youth, homeless student, former juvenile court school student, child of a military family, or migrant student who transfers into the district or between district schools any time after completing the second year of high school, or a newly arrived immigrant student who is in the third or fourth year of high school and is participating in a newcomer program, shall be exempted from any graduation requirements adopted by the Board that are in addition to statewide course requirements. This exemption shall not apply if the Superintendent or designee makes a finding that the student is reasonably able to complete the requirements in time to graduate by the end of the fourth year of high school.

Within 30 days of the transfer into a school by a foster youth, homeless student, former juvenile court school student, child of a military family, migrant student, or a newly arrived immigrant student, or of the commencement of participation in a newcomer program, as applicable, the Superintendent or designee shall notify any eligible student, and others as required by law, of the availability of the exemption from local graduation requirements and whether the student qualifies for it. (Education Code 51225.1)

Retroactive Diplomas

Any student who completed grade 12 in the 2003-04 through 2014-15 school year and met all applicable graduation requirements other than the passage of the high school exit examination shall be granted a high school diploma. (Education Code 51413)

CSBA NOTE: Items #1-4 below are optional and may be revised to reflect district practice.

In addition, the district may retroactively grant high school diplomas to former students who: (Education Code 48204.4, 51430, 51440)

1. Departed California against their will while in grade 12 and did not receive a diploma because the departure interrupted their education, provided that they were in good academic standing at the time of the departure

Persons may be considered to have departed California against their will if they were in custody of a government agency and were transferred to another state, were subject to a lawful order from a court or government agency that authorized their removal from California, were subject to a lawful order and were permitted to depart California before being removed from California pursuant to the lawful order, were removed or were permitted to depart voluntarily pursuant to the federal Immigration and Nationality Act, or departed due to other circumstances determined by the district that are consistent with the purposes of Education Code 48204.4.

In determining whether to award a diploma under these circumstances, the Superintendent or designee shall consider any coursework that may have been completed outside of the U.S. or through online or virtual courses.

2. Were interned by order of the federal government during World War II or are honorably discharged veterans of World War II, the Korean War, or the Vietnam War, provided that they were enrolled in a district high school immediately preceding the internment or military service and did not receive a diploma because their education was interrupted due to the internment or military service in those wars

Deceased former students who satisfy these conditions may be granted a retroactive diploma to be received by their next of kin.

3. Are veterans who entered the military service of the U.S. while in grade 12 and who had satisfactorily completed the first half of the work required for grade 12 in a district school
4. Were in their senior year of high school during the 2019-20 school year, were in good academic standing and on track to graduate at the end of the 2019-20 school year as of March 1, 2020, and were unable to complete the statewide graduation requirements as a result of the COVID-19 crisis

Honorary Diplomas

CSBA NOTE: The following optional section reflects the Board's authority to confer honorary high school diplomas pursuant to Education Code 51225.5 and may be revised to reflect district practice.

The Board may grant an honorary high school diploma to: (Education Code 51225.5)

1. An international exchange student who has not completed the course of study ordinarily required for graduation and who is returning to the student's home country following the completion of one academic school year in the district
2. A student who is terminally ill

The honorary diploma shall be clearly distinguishable from the regular diploma of graduation awarded by the district. (Education Code 51225.5)

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

State References

Description

5 CCR 1600-1651	Graduation of students from grade 12 and credit toward graduation
5 CCR 4600-4670	Uniform complaint procedures
Ed. Code 220	Prohibition of discrimination
Ed. Code 47612	Average daily attendance in charter school
Ed. Code 48200	Compulsory attendance
Ed. Code 48204.4	Parents/guardians departing California against their will
Ed. Code 48412	Certificate of proficiency
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49701	Provisions of the Interstate Compact on Educational Opportunities for Military Children
Ed. Code 51224	Skills and knowledge required for adult life
Ed. Code 51224.5	Algebra in course of study for grades 7-12
Ed. Code 51225.1	Exemption from district graduation requirements

Ed. Code 51225.2	Course credits
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51225.31	Exemption for students with disabilities
Ed. Code 51225.35	Mathematics course requirements; computer science
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51225.5	Honorary diplomas; foreign exchange and terminally ill students
Ed. Code 51225.6	Instruction in cardiopulmonary resuscitation; districts that require health education for graduation
Ed. Code 51226.7	Model Curriculum in Ethnic Studies
Ed. Code 51228	Course of study; offerings and timely opportunity
Ed. Code 51230	Credit for community emergency response training
Ed. Code 51240-51246	Exemptions from requirements
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51410-51413	Diplomas
Ed. Code 51420-51427	High school equivalency certificates
Ed. Code 51430	Retroactive high school diplomas
Ed. Code 51440	Credit and granting of diploma to veterans and members of the military service
Ed. Code 51450-51455	Golden State Seal Merit Diploma
Ed. Code 51744-51749.6	Independent study
Ed. Code 56390-56392	Recognition for educational achievement; special education
Ed. Code 60640	California Assessment of Student Performance and Progress
Ed. Code 66204	Certification of high school courses as meeting university admission criteria
Ed. Code 67386	Student safety; affirmative consent standard

Management Resources References

Court Decision	O'Connell v. Superior Court (Valenzuela) (2006) 141 Cal.App.4th 1452
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education, High School - https://simbli.eboardsolutions.com/SU/Rvp3XpluswycjdbcyIbqTXF1Q==
Website	University of California, List of Approved A-G Courses - https://simbli.eboardsolutions.com/SU/aSMzVkJGKefSjbrpGzGqxDw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXallgcLPJYKR9w==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/2En6wnlSEgfSfkSp6tsW2Q==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==
5127	Graduation Ceremonies And Activities - https://simbli.eboardsolutions.com/SU/PGFSmCUoVPc4YclFO2MISg==
5145.6	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==
5145.6-E(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==
5145.6-E PDF(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/i3XomFLE8x7UPBmv115kHA==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/FfslshxXARVXlf43WlWI13HCQ==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/yOy1VgTRDrylKVQwgWHZvA==
6142.2	World Language Instruction - https://simbli.eboardsolutions.com/SU/fxDFGiI2LvYgTU2QAXp6Lg==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/dUY6XHltTK05slshFds18pGtA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6142.6	Visual And Performing Arts Education - https://simbli.eboardsolutions.com/SU/MOSLG87SSN4D9X6Sr9slshHqQ==

6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==
6142.7	Physical Education And Activity - https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/tbwOlmdoEz4Q1Vjo8rYnlQ==
6142.91	Reading/Language Arts Instruction - https://simbli.eboardsolutions.com/SU/u0kwqXzoJslsh1zkA4neAslsh7eA==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/fTMquy4qCooO0o5vPBAlDA==
6142.93	Science Instruction - https://simbli.eboardsolutions.com/SU/TOhfkNbplussplusFXRgAIBNXiw==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/8w9q6NcK71lbTU94Rqcm7g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLJUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqEcdplus8plus1uCxi9Yug==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshisshopFL8Q==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjFqvve54w==

6151	Class Size - https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WlfyVz868A==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/jt6w4Ob9l5Fk3Zp4xZKDSQ==
6152.1	Placement In Mathematics Courses - https://simbli.eboardsolutions.com/SU/oGGl7Kob8l1s1e8P3iauiA==
6155	Challenging Courses By Examination - https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqiA==
6155	Challenging Courses By Examination - https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/2tRYy22MXLXnvV9vrMP4w==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBlWJmfAP00e3xnVhUQNYg==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/ueu2nVzHClsqslsh5Oplus8osvjg==
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - https://simbli.eboardsolutions.com/SU/8tj64Eb0rA04NXwDCLkGbQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/OknJQUnz7OqdbiwOmRU3OQ==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/fXBcLMA6WABwBGWhEnOY9Q==
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/K0mKplus4MCEnklmnlh2cspg==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b1DLaOxc8rcgTsfoplusV89zg==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/cBBPHW6bnzwszlshP8S2Cj02w==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDjcdnxYRslshO3g==
6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHZxZslshBORslshzL7t0wPgW==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw==
6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/tHYVlIplusEhWEo0lI2RHBMg==

6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/p9islshfftiWNXpwsKgKC41A==
6173.3	Education For Juvenile Court School Students - https://simbli.eboardsolutions.com/SU/EKUslsh7IXVvCb4Sf5TG3Y9mQ==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==
6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==
6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyaRaqF4w==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/eqqaj3pDRTAplus4B05lJJGzw==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/wLcNslshgmplumQlg9zvVgyCIMQ==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6179	Supplemental Instruction - https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==

Policy 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 03/01/2005 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

CSBA NOTE: Education Code 51744-51749.6 authorize districts to establish independent study programs to meet the educational needs of students.

Education Code 51747 and 51749.5 mandate the Governing Board to adopt a policy with specified components as a condition of receiving state apportionments for traditional and course-based independent study, and to implement the policy in accordance with the rules and regulations adopted by the Superintendent of Public Instruction. The mandated components for traditional independent study and course-based independent study are reflected throughout this policy and the accompanying administrative regulation.

Education Code 51744, as added by AB 181 (Ch. 52, Statutes of 2022), encourages districts, when adopting policy, to consider offering more than one independent study model for short- and long-term placements in accordance with Education Code 51747, 51747.5 and 51749.6.

In the event of a school closure necessitated by an emergency condition pursuant to Education Code 46392, districts must develop a plan for offering independent study to affected students pursuant to Education Code 46393. See BP 3516.5 - Emergency Schedules.

Independent study may be offered as a program within a school, as a charter school, or as an alternative school of choice pursuant to Education Code 58500-58512; see AR 0420.4 - Charter School Authorization, BP 6146.11 - Alternative Credits Toward Graduation and BP/AR 6181 - Alternative Schools/Programs of Choice.

The Governing Board authorizes independent study as an optional alternative instructional strategy for students whose needs may be best met through study outside of the regular classroom setting. Independent study shall offer a means of individualizing the educational plan to serve students who desire a more challenging educational experience, whose health or other personal circumstances make classroom attendance difficult, who are unable to access course(s) due to scheduling problems, and/or who need to make up credits or fill gaps in their learning. As necessary to meet student needs, independent study may be offered for short- or long-term placements, on a full-time or part-time basis, and/or in conjunction with part- or full-time classroom study.

CSBA NOTE: 5 CCR 11701 requires the Board to hold a public hearing when setting policy regarding the maximum length of time that may elapse between the time an independent study assignment is made and the date by which the student must complete it, and the level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the student's best interests to remain in independent study. See "General Independent Study Requirements" below for more information regarding these requirements.

The Board shall hold a public hearing when considering the scope of its existing or prospective use of independent study as an instructional strategy, its purposes in authorizing independent study, and factors bearing specifically on the maximum realistic lengths of assignments and acceptable number of missed assignments for specific populations of students or adult education students. (Education Code 51747; 5 CCR 11701)

The Superintendent or designee may provide a variety of independent study opportunities, including, but not limited to, through a program or class within a comprehensive school, an alternative school or program of choice, a charter school, and an online course.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747, 51749.5, 51749.6)

Independent study for each student shall be under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300. Students' independent study shall be coordinated, evaluated, and documented, as prescribed by law and reflected in the accompanying administrative regulation. (Education Code 51747.5)

CSBA NOTE: Pursuant to Education Code 46300, the attendance of students participating in independent study for only three or more consecutive school days will be included in computing average daily attendance for apportionment purposes.

The minimum period of time for any independent study option shall be three consecutive school days. (Education Code 46300)

General Independent Study Requirements

The Superintendent or designee may offer and approve independent study for an individual student upon determining that the student is prepared to meet the district's requirements for participation and is likely to succeed as well as or better than the student would in the regular classroom setting.

CSBA NOTE: Pursuant to Education Code 46100, the Board is required to fix the length of the school day for each grade level, in accordance with law. The California Department of Education, in its "Frequently Asked Questions," clarifies that independent study is not an alternative curriculum and that students in independent study are required to meet the same number of instructional minutes as their peers who are physically at the school site for their instruction.

The minimum instructional minutes shall be the same for all students at each school including students participating in independent study, except as otherwise permitted by law. (Education Code 46100)

CSBA NOTE: Education Code 51747 mandates the Board to adopt policy on the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment. 5 CCR 11700 defines "type of program" as the statutory program category for purposes of attendance accounting, such as adult education or continuation high school. In addition, 5 CCR 11701 mandates that Board policy reflect an awareness that excessive leniency in the duration of independent study assignments can result in a student falling so far behind peers as to increase, rather than decrease, the risk of dropping out of school.

The following paragraph sets one week for all grade levels and types of programs as the maximum length of time an independent study assignment should be completed, and should be revised to reflect the length of time determined by the Board. In order to ensure that apportionment credits are received, the length of time determined by the Board in its policy should be reflected in the student's written agreement. See the section "Master Agreement" below.

Because excessive leniency in the duration of independent study assignments may result in a student falling behind peers and increase the risk of dropping out of school, independent study assignments shall be completed no more than one week after assigned for all grade levels and types of programs. When necessary based on the specific circumstances of the student's approved program, the Superintendent or designee may allow for a longer period of time between the date an assignment is made and when it is due. However, in no event shall the due date of an assignment be extended beyond the termination date specified in the student's written agreement.

CSBA NOTE: Education Code 51747 mandates the Board, to adopt policy which specifies the level of satisfactory educational progress and the number of missed assignments allowed before an evaluation is conducted to determine whether it is in a student's best interest to remain in independent study. The following paragraph specifies a maximum of three assignments and should be revised to reflect the Board's determination of the number of missed assignments that will trigger an evaluation.

The number of missed assignments that will trigger an evaluation must be included in the student's written agreement.

An evaluation shall be conducted to determine whether it is in a student's best interest to remain in independent study whenever the student fails to make satisfactory educational progress and/or misses three assignments. Satisfactory educational progress shall be determined based on all of the following indicators: (Education Code 51747)

1. The student's achievement and engagement in the independent study program, as indicated by the student's performance on applicable student-level measures of student achievement and engagement specified in Education Code 52060
2. The completion of assignments, assessments, or other indicators that evidence that the student is working on assignments
3. Learning of required concepts, as determined by the supervising teacher
4. Progress towards successful completion of the course of study or individual course, as determined by the supervising teacher

CSBA NOTE: Education Code 51747, as amended by AB 181, mandates the Board to adopt policy that includes the

provision of content aligned to grade level standards that is substantially equivalent to in-person instruction. For high schools, this requirement includes access to all courses offered by the district for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria. See BP/AR 6143 - Courses of Study.

The Superintendent or designee shall ensure that students participating in independent study are provided with content aligned to grade level standards at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the district for graduation and approved by the University of California (UC) or the California State University (CSU) as creditable under the A-G admissions criteria. (Education Code 51747)

CSBA NOTE: Education Code 51747 mandates the Board to adopt policy that includes plans, by grade level, to provide students with specified levels of live interaction and/or synchronous instruction as described in Items #1-3 below and defined in the accompanying administrative regulation. This requirement does not apply to students participating in an independent study program for fewer than 15 school days, or, pursuant to Education Code 51747, as amended by AB 181, students enrolled in a comprehensive school for classroom-based instruction who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

Pursuant to Education Code 51747.5, as amended by AB 181, the district may claim apportionment credit for independent study only to the extent of the time value of student work products as personally judged by a certificated employee of the district, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Evidence of student participation may include, but is not limited to, student work produced or performed as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering.

The Superintendent or designee shall ensure that all students participating in independent study for 15 school days or more receive the following throughout the school year: (Education Code 51747)

1. For students in grades transitional kindergarten, kindergarten, and grades 1 to 3, opportunities for daily synchronous instruction
2. For students in grades 4-8, opportunities for both daily live interaction and at least weekly synchronous instruction
3. For students in grades 9-12, opportunities for at least weekly synchronous instruction

CSBA NOTE: Education Code 51747, as amended by AB 181, mandates the Board to adopt policy that includes procedures for tiered reengagement strategies for students who meet the conditions specified in Items #1-3 below. This requirement does not apply to students participating in an independent study program for fewer than 15 school days, or students who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall ensure that procedures for tiered reengagement strategies are used for all students participating in an independent study program for 15 school days or more who are: (Education Code 51747)

1. Not generating attendance for more than ten percent of required minimum instructional time over four continuous weeks of the district's approved instructional calendar
2. Not participating in synchronous instructional offerings pursuant to Education Code 51747.5 for more than 50 percent of the scheduled times of synchronous instruction in a school month as applicable by grade span
3. In violation of their written agreement

CSBA NOTE: Education Code 51747, as amended by AB 181, requires that the district's tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, as applicable.

Tiered reengagement strategies procedures used in district independent study programs shall include local programs intended to address chronic absenteeism, as applicable, including but not limited to the following: (Education Code 51747)

1. Verification of current contact information for each enrolled student

2. Notification to parents/guardians of lack of participation within one school day of the recording of a nonattendance day or lack of participation
3. A plan for outreach from the school to determine student needs, including connection with health and social services as necessary

CSBA NOTE: Education Code 51747, as amended by AB 181, requires that the district's tiered reengagement strategies procedures include local programs intended to address chronic absenteeism, as applicable.

4. A clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being

CSBA NOTE: Education Code 51747 mandates the Board to adopt policy that includes a plan to expeditiously, and not longer than five instructional days, transition students whose families wish to return to in-person instruction from independent study. This requirement does not apply to students participating in an independent study program for fewer than 15 school days. Pursuant to Education Code 51747, as amended by AB 181, the requirement is also not applicable to students who participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, as described below.

The Superintendent or designee shall, for students who participate in an independent study program for 15 school days or more, develop a plan to transition students whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days. (Education Code 51747)

CSBA NOTE: Pursuant to Education Code 51747, as amended by AB 181, the live interaction and/ or synchronous learning requirements, tiered reengagement strategies, and transition plan obligations do not apply to students enrolled in a comprehensive school for classroom-based instruction who, under the care of an appropriate licensed professional(s), participate in independent study due to necessary medical treatments or inpatient treatment for mental health care or substance abuse, provided the district obtains evidence of the need as specified in Education Code 51747.

When any student enrolled in classroom-based instruction is participating in independent study due to necessary medical treatment or inpatient treatment for mental health or substance abuse under the care of appropriately licensed professionals, the student shall be exempt from the live interaction and/or synchronous instruction, tiered reengagement strategies, and transition back to in-person instruction requirements specified above. In such cases, evidence from appropriately licensed professionals, of the student's need to participate in independent study, shall be submitted to the Superintendent or designee. (Education Code 51747)

CSBA NOTE: Education Code 51747 mandates the Board to adopt policy providing that a current written agreement (i.e., the "master agreement") will be maintained for each student who participates in independent study and for whom apportionment is claimed. Education Code 51747 provides that no independent study agreement can be valid for longer than one school year. Pursuant to Education Code 51747, as amended by AB 181, the district is required to obtain a signed written agreement for an independent study program of 15 school days or more before the beginning of independent study, and for an independent program of less than 15 school days, within ten school days of the beginning of the first day of the student's enrollment.

In addition, Education Code 51749.5 mandates the Board to adopt policy providing that a "learning agreement" be maintained for each student participating in course-based independent study.

See the section "Master Agreement" below for required content of these agreements.

The Superintendent or designee shall ensure that a written agreement exists for each participating student as prescribed by law. (Education Code 51747, 51749.5)

CSBA NOTE: Education Code 51747 requires districts to hold a student-parent-educator conference upon the request of a parent/guardian prior to enrollment or disenrollment in independent study. The term student-parent-educator conference is defined in Education 51745.5, and reflected in the accompanying administrative regulation.

Upon the request of the parent/guardian of a student, and before signing a written agreement as described below in the section "Master Agreement," the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51747)

Master Agreement

CSBA NOTE: Education Code 51747 mandates that, in order to receive apportionments for independent study, the district must adopt and implement policy providing for a signed written independent study agreement which contains the components listed in the following section. Because apportionments are only provided for independent study of three or more consecutive school days pursuant to Education Code 46300, written agreements are required only in such instances.

Education Code 46300.7 states that apportionments shall be received for a student in independent study only if the district receives written permission from the parent/guardian before the independent study begins, specifying the actual dates of participation, methods of study and evaluation, and resources to be made available for the student's independent study. However, pursuant to Education Code 51747, as amended by AB 181, for independent study programs of less than 15 school days the written agreement may be signed within ten school days of the student's enrollment in independent study. As Education Code 46300.7 and 51747 are inconsistent as to when written agreements need to be signed for programs of less than 15 school days, districts are encouraged to consult CSBA District and County Office of Education Legal Services, or the district's legal counsel.

A written agreement shall be developed and implemented for each student participating in independent study for three or more consecutive school days. (Education Code 46300, 51747)

For student participation for 15 school days or more, a signed written agreement shall be obtained before the student begins independent study. For student participation of less than 15 school days, a signed written agreement shall be obtained within ten school days of the first day of the student's enrollment. (Education Code 46300, 51747)

The agreement shall include general student data, including the student's name, address, grade level, birth date, school of enrollment, and program placement.

The independent study agreement for each participating student also shall include, but is not limited to, all of the following: (Education Code 51747; 5 CCR 11700, 11702)

1. The manner, time, frequency, and place for submitting the student's assignments, reporting the student's academic progress, and communicating with a student's parent/guardian regarding the student's academic progress
2. The objectives and methods of study for the student's work and the methods used to evaluate that work
3. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work

CSBA NOTE: As described in the section "General Independent Study Requirements" above, pursuant to Education Code 51747, the written agreement must contain statements reflecting Board policy pertaining to (1) the maximum length of time, by grade level and type of program, which may elapse between the time an independent study assignment is made and the date by which the student must complete the assignment and (2) the number of missed assignments allowed before an evaluation would be required to determine whether it is in a student's best interest to remain in independent study. Education Code 51747 also requires that the written agreement contain a statement of the Board's policy regarding the level of satisfactory educational progress for students participating in independent study.

4. A statement of the Board's policy detailing the maximum length of time allowed between an assignment and its completion, the level of satisfactory educational progress, and the number of missed assignments which will trigger an evaluation of whether the student should be allowed to continue in independent study
5. The duration of the independent study agreement, including the beginning and ending dates for the student's participation in independent study under the agreement, with a maximum of one school year
6. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the student upon completion
7. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports

8. A statement that independent study is an optional educational alternative in which no student may be required to participate
9. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through independent study only if the student is offered the alternative of classroom instruction

CSBA NOTE: Pursuant to Education Code 51747, as amended by AB 181, the date upon which a written agreement needs to be signed will vary depending on the projected length of independent study, as specified below. In addition, for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student is required to sign the written agreement.

10. Before the commencement of independent study projected to last for 15 school days or more, or within ten school days of the first day of enrollment for independent study for less than 15 school days, the agreement shall be signed and dated by the student, the student's parent/guardian or caregiver if the student is under 18 years of age, the certificated employee responsible for the general supervision of independent study, and for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student

Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the California Department of Education (CDE). (Education Code 51747)

The parent/guardian's signature on the agreement shall constitute permission for the student to receive instruction through independent study.

Course-Based Independent Study

CSBA NOTE: This section is for districts that provide independent study courses to its students. Education Code 51749.5-51749.6 establish a course-based independent study option that may be offered if certain requirements are met, as described below. Education Code 51749.5 mandates that boards adopt policies that comply with the legal requirements listed in the following section and any applicable regulations adopted by the State Board of Education.

The following paragraph may be revised to reflect the grade levels offered by the district.

The district's course-based independent study program for students in grades K-12 shall be subject to the following requirements: (Education Code 51749.5)

1. A signed learning agreement shall be completed and on file for each participating student, pursuant to Education Code 51749.6
2. Courses shall be taught under the general supervision of certificated employees who hold the appropriate subject matter credential and are employed by the district or by another district, charter school, or county office of education with which the district has a memorandum of understanding to provide the instruction
3. Courses shall be annually certified by Board resolution to be of the same rigor and educational quality and to provide intellectual challenge that is substantially equivalent to in-person, classroom-based instruction, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the district for graduation and approved by UC or CSU as creditable under the A-G admissions criteria. The certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each school day that student is enrolled, number of equivalent total instructional minutes, and number of course credits for each course, consistent with that of equivalent classroom-based courses. The certification shall also include plans to provide opportunities throughout the school year, for all students in transitional kindergarten, kindergarten, and grades 1-3 to receive daily synchronous instruction, for all students in grades 4-8, to receive both daily live interaction and at least weekly synchronous instruction, and for all students in grades 9-12 to receive at least weekly synchronous instruction.
4. Students enrolled in independent study courses shall meet the applicable age requirements established pursuant to Education Code 46300.1, 46300.4, 47612, and 47612.1, and the applicable residency and enrollment requirements established pursuant to Education Code 46300.2, 47612, 48204, and 51747.3
5. For each student participating in an independent study course, satisfactory educational progress shall be determined based on the student's achievement and engagement in the independent study program as

indicated by the student's performance on applicable student-level measures of student achievement and engagement set forth in Education Code 52060, completion of assignments, assessments, or other indicators that evidence that the student is working on assignments, learning of required concepts, as determined by the supervising teacher, and progress toward successful completion of the course of study or individual course, as determined by the supervising teacher.

If satisfactory educational progress in one or more independent study courses is not being made, the teacher providing instruction shall notify the student and, if the student is under 18 years of age, the student's parent/guardian. The teacher shall conduct an evaluation to determine whether it is in the student's best interest to remain in the course or whether the student should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the evaluation findings shall be treated as a mandatory interim student record maintained for three years from the date of the evaluation. If the student transfers to another California public school, the record shall be forwarded to that school.

Procedures for tiered reengagement strategies shall be used for all students who are not making satisfactory educational progress in one or more courses or who are in violation of the written learning agreement, as described in the section "Learning Agreement for Course-Based Independent Study" below. These procedures shall include, but are not necessarily limited to, the verification of current contact information for each enrolled student, a plan for outreach from the school to determine student needs, including connection with health and social services as necessary, and a clear standard for requiring a student-parent-educator conference to review a student's written agreement and reconsider the independent study program's impact on the student's achievement and well-being.

6. Examinations shall be administered by a proctor
 7. Statewide testing results shall be reported and assigned to the school at which the student is enrolled and shall be included in the aggregate results of the district. Test results also shall be disaggregated for purposes of comparisons with the test results of students enrolled in classroom-based courses.
 8. A student shall not be required to enroll in courses included in the course-based independent study program
 9. The student-teacher ratio in the courses in this program shall meet the requirements of Education Code 51745.6
 10. For each student, the combined equivalent daily instructional minutes for courses in this program and all other courses shall meet applicable minimum instructional day requirements, and the student shall be offered the minimum annual total equivalent instructional minutes pursuant to Education Code 46200-46208
 11. Courses required for high school graduation or for admission to UC or CSU shall not be offered exclusively through independent study
 12. A student participating in this program shall not be assessed a fee that is prohibited by Education Code 49011
 13. A student shall not be prohibited from participating in independent study solely on the basis that the student does not have the materials, equipment, or access to Internet connectivity necessary to participate in the course
- CSBA NOTE: Pursuant to Education Code 51749.5, as amended by AB 181, a student with disabilities may participate in a course-based independent study program if the student's individualized education program specifically provides for such participation.
14. A student with disabilities, as defined in Education Code 56026, may participate in course-based independent study if the student's individualized education program specifically provides for that participation
 15. A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through course-based independent study
 16. The district shall maintain a plan to transition any student whose family wishes to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days

Before enrolling a student in a course within a course-based independent study program, the Superintendent or designee shall provide the student and, if the student is under age 18 years, the student's parent/guardian with a written learning agreement that includes all of the following: (Education Code 51749.6)

1. A summary of the district's policies and procedures related to course-based independent study pursuant to Education Code 51749.5
2. The duration of the enrolled course(s) and the number of course credits for each enrolled course, consistent with the Board certifications made pursuant to Item #3 of the Course-Based Independent Study section above
3. The duration of the learning agreement, which shall not exceed a school year or span multiple school years
4. The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a student evaluation is required to determine whether the student should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program
5. The specific resources that will be made available to the student, including materials and personnel, and access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work
6. A statement detailing the academic and other supports that will be provided to address the needs of students who are not performing at grade level, or need support in other areas, such as English learners, students with disabilities with an individualized education program or a Section 504 plan in order to be consistent with their program or plan, students in foster care or experiencing homelessness, and students requiring mental health supports
7. A statement that enrollment is an optional educational alternative in which no student may be required to participate. In the case of a suspended or expelled student who is referred or assigned to any school, class, or program pursuant to Education Code 48915 or 48917, a statement that instruction may be provided through course-based independent study only if the student is offered the alternative of classroom instruction.
8. The manner, time, frequency, and place for submitting a student's assignments, for reporting the student's academic progress, and for communicating with a student's parent/guardian regarding a student's academic progress
9. The objectives and methods of study for the student's work, and the methods used to evaluate that work
10. A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a student's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether the student should be allowed to continue in course-based independent study
11. A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the student upon completion.

CSBA NOTE: Pursuant to Education Code 51749.6, as amended by AB 181, the date upon which a learning agreement needs to be signed will vary depending on the projected length of an independent study course, as specified below. In addition, for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student is required to sign the learning agreement.

12. Before the commencement of an independent study course projected to last for 15 school days or more, or within ten school days of the first day of enrollment for an independent study course projected to last less than 15 school days, the learning agreement shall be signed and dated by the student, and by the student's parent/guardian or caregiver if the student is less than 18 years of age, the certificated employee responsible for the general supervision of the independent study course, and as applicable for students with disabilities, the certificated employee designated as having responsibility for the special education programming of the student. For purposes of this paragraph "caregiver" means a person who has met the requirements of Family Code 6550-6552.

Learning agreements may be signed using an electronic signature that complies with state and federal

standards, as determined by CDE. (Education Code 51749.6)

A signed learning agreement from a parent/guardian of a student who is less than 18 years of age shall constitute the parent/guardian's permission for the student to receive instruction through course-based independent study. (Education Code 51749.6)

Upon the request of a student's parent/guardian, and before signing a learning agreement as described above, the district shall conduct a telephone, videoconference, or in-person student-parent-educator conference, or other meeting during which the student, parent/guardian, and, if requested by the parent/guardian, an advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the student in independent study. (Education Code 51749.6)

Student-Parent-Educator Conferences

CSBA NOTE: Education Code 51747 and 51749.5 require districts to hold student-parent-educator conferences as defined by Education Code 51745.5, at specified times. See the accompanying administrative regulation for the definition of student-parent-educator conference.

A student-parent-educator conference shall be held as appropriate including, but not limited to, as a reengagement strategy and/or, if requested by a parent/guardian, prior to enrollment or disenrollment from independent study. (Education Code 51745.5, 51747, 51749.5)

Records

CSBA NOTE: Pursuant to Education Code 51745.6, 51747, 51747.5, and 51749.5, the Education Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting," includes verification of compliance with specified components of law related to independent study, with loss of apportionment for independent study for districts found to be noncompliant.

The Superintendent or designee shall ensure that records are maintained for audit purposes.

These records shall include, but not be limited to: (Education Code 51748; 5 CCR 11703)

1. A copy of the Board policy, administrative regulation, and other procedures related to independent study
2. A listing of the students, by grade level, program, and school, who have participated in independent study, along with the units of the curriculum attempted and completed by students in grades K-8 and the course credits attempted by and awarded to students in grades 9-12 and adult education
3. A file of all agreements, with representative samples of each student's work products bearing the supervising teacher's signed or initialed and dated notations indicating that the teacher has personally evaluated the work or personally reviewed the evaluations made by another certificated teacher
4. As appropriate to the program in which the students are participating, a daily or hourly attendance register that is separate from classroom attendance records, maintained on a current basis as time values of student work products judged by a certificated teacher, and reviewed by the supervising teacher if they are two different persons
5. Appropriate documentation of compliance with the teacher-student ratios required by Education Code 51745.6 and 51749.5 (Education Code 51745.6 and 51749.5)
6. Appropriate documentation of compliance with the requirements pursuant to Education Code 51747.5 to ensure the coordination, evaluation, and supervision of the independent study of each student by a district employee who possesses a valid certification document pursuant to Education Code 44865 or an emergency credential pursuant to Education Code 44300 (Education Code 51747.5)

CSBA NOTE: Education Code 51747.5 requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which the student is provided independent study. Any student who does not participate in scheduled live interaction or synchronous instruction on a school day must be documented as nonparticipatory for that school day. In addition, Education Code 51747.5 requires districts to maintain written or computer-based evidence of student engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.

The district shall document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction shall be documented as nonparticipatory for that school day. (Education Code 51747.5)

The Superintendent or designee shall also maintain a written or computer-based record such as a grade book or summary document of student engagement, for each class, of all grades, assignments, and assessments for each student for independent study assignments. (Education Code 51747.5)

CSBA NOTE: Education Code 51747 and 51749.6 authorize specified records to be maintained in an electronic file, as provided in the following paragraph. Pursuant to Education Code 51747 and 51749.6, an electronic file includes a computer or electronically stored image of an original document, including, but not limited to, a PDF, JPEG, or other digital file type, that may be sent via fax machine, email, or other electronic means.

Signed written and supplemental agreements, assignment records, work samples, and attendance records may be maintained as an electronic file in accordance with Education Code 51747 and 51749.6, as applicable.

Program Evaluation

CSBA NOTE: The following optional section may be revised to reflect district practice.

The Superintendent or designee shall annually report to the Board the number of district students participating in independent study, the average daily attendance generated for apportionment purposes, student performance as measured by standard indicators and in comparison to students in classroom-based instruction, and the number and proportion of independent study students who graduate or successfully complete independent study. Based on the program evaluation, the Board and Superintendent shall determine areas for program improvement as needed.

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

State References

Description

5 CCR 11700-11705	Independent study
Ed. Code 17289	Exemption for facilities
Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students

Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers

Federal References

20 USC 6301	Highly qualified teachers
20 USC 6311	State plan

Description

Management Resources References

California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study
Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Consortium for Independent Study - https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfOR6gplusRQ==
Website	California Department of Education, Independent Study - https://simbli.eboardsolutions.com/SU/aXxHIGl4L70pDRS6Jnl2Jw==
Website	Education Audit Appeals Panel - https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==

Description

Cross References

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/yqvHtAwxzffp9smLplumfcaQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==

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3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==
3516.5	Emergency Schedules - https://simbli.eboardsolutions.com/SU/oJZXkPi3iNtmezHLSHHBBw==
3580	District Records - https://simbli.eboardsolutions.com/SU/crBR8IcYslshslshcadfBT09vKtA==
3580	District Records - https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/4CJBHdTEOnz9dq3mSJ5qzw==
5112.3	Student Leave Of Absence - https://simbli.eboardsolutions.com/SU/kD97qlfelg37ShzuEcmlplusBw==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/OvU6blFneYGxiu8HTsCalQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
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5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==
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5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkHAQ==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/WHslsh3slshDAkvapt4AefESXBvQ==

5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSpluf7slshAnBIYIIPA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyaklQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/El88u7DdXyv0auDplus9Wul3g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMosslshZA==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTlz3YyiADAJMA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLJUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==
6152	Class Assignment - https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsishQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==

6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2A==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwslishTayjm6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFlqzmqwZQwt8slshR7plusdHYQQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==

Regulation 6158: Independent Study

Status: ADOPTED

Original Adopted Date: 10/01/2015 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

Definitions

Live interaction means interaction between the student and classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in-person, or in the form of Internet or telephonic communication. (Education Code 51745.5)

Student-parent-educator conference means a meeting involving, at a minimum, all parties who signed the student's written independent study agreement pursuant to Education Code 51747 or the written learning agreement pursuant to Education Code 51749.6. (Education Code 51745.5)

Synchronous instruction means classroom-style instruction or designated small group or one-on-one instruction delivered in-person, or in the form of Internet or telephonic communications, and involving live two-way communication between the teacher and student. Synchronous instruction shall be provided by a teacher or teachers of record for that student pursuant to Education Code 51747.5 or the certificated employee providing instruction for course-based independent study. (Education Code 51745.5)

Educational Opportunities

CSBA NOTE: The following section is optional. Pursuant to Education Code 51745, as amended by AB 181 (Ch. 52, Statutes of 2022), the list of educational opportunities that may be provided through independent study includes Items #1-5 below, and may be revised or expanded to reflect district practice.

Educational opportunities offered through independent study may include, but are not limited to: (Education Code 51745)

1. Special assignments extending the content of regular courses of instruction
2. Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum
3. Continuing and special study during travel
4. Volunteer community service activities and leadership opportunities that support and strengthen student achievement
5. Individualized study for a student whose health, as determined by the student's parent/guardian, would be put at risk by in-person instruction or for a student who is unable to attend in-person instruction due to a quarantine due to exposure to, or infection with, COVID-19, pursuant to local or state public health guidance

In addition, when requested by a parent/guardian due to an emergency or illness, independent study may be used on a short-term basis to ensure that the student is able to maintain academic progress in the student's regular classes.

CSBA NOTE: The following paragraph is for use by districts maintaining high schools.

No course required for high school graduation shall be offered exclusively through independent study. (Education Code 51745)

Equivalency

The district's independent study option shall be substantially equivalent in quality and quantity to classroom instruction to enable participating students to complete the district's adopted course of study within the customary timeframe. Students in independent study shall have access to the same services and resources that are available to other students in the school and shall have equal rights and privileges. (5 CCR 11700, 11701.5)

Students participating in independent study shall have access to Internet connectivity and devices adequate to participate in the educational program and complete assigned work. (Education Code 51747)

The district shall not provide independent study students and their parents/guardians with funds or items of value

that are not provided for other students and their parents/guardians. Providing access to Internet connectivity and district-owned devices adequate to participate in an independent study program and complete assigned work consistent with Education Code 51747, or to participate in an independent study course, as authorized by Education Code 51749.5, shall not be considered funds or other things of value. (Education Code 46300.6, 51747.3)

Eligibility for Independent Study

CSBA NOTE: Pursuant to Education Code 51748, independent study students must be enrolled in school as a condition of receiving state apportionments.

To participate in independent study, a student shall be enrolled in a district school. (Education Code 51748)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice.

The Superintendent or designee may approve the participation of a student who demonstrates the motivation, commitment, organizational skills, and academic skills necessary to work independently provided that experienced certificated staff are available to effectively supervise students in independent study. The Superintendent or designee may also approve the participation of a student whose health would be put at risk by in-person instruction. A student whose academic performance is not at grade level may participate in independent study only if the program is able to provide appropriate support, such as supplemental instruction, tutoring, counseling, ongoing diagnostic assessments, and/or differentiated materials, to enable the student to be successful. For an elementary student, the Superintendent or designee may consider the parent/guardian's level of commitment to assist the student.

CSBA NOTE: The following paragraph limits eligibility for independent study to those students for whom state apportionments can be claimed. Education Code 46300.2 provides that districts will receive state funding for independent study for students who are residents of the county or an adjacent county. Pursuant to Education Code 51747.3, students whose residency status is based on parent/guardian employment within district boundaries in accordance with Education Code 48204 are not eligible for funds apportioned for average daily attendance (ADA).

A student participating in independent study must be a resident of the county or an adjacent county. Full-time independent study shall not be available to students whose district residency status is based on their parent/guardian's employment within district boundaries pursuant to Education Code 48204. (Education Code 46300.2, 51747.3)

CSBA NOTE: Pursuant to Education Code 51745, as amended by AB 181, a student with disabilities may participate in independent study if the student's individualized education program specifically provides for such participation, as specified below.

A student with disabilities, as defined in Education Code 56026, may participate in independent study if the student's individualized education program (IEP) specifically provides for such participation. If a parent/guardian of a student with disabilities requests independent study because the student's health would be put at risk by in-person instruction, the student's IEP team shall make an individualized determination as to whether the student can receive a free appropriate public education (FAPE) in an independent study placement. A student's inability to work independently, need for adult support, or need for special education or related services shall not preclude the IEP team from determining that the student can receive FAPE in an independent study placement. (Education Code 51745)

CSBA NOTE: The following paragraph is based on uncodified Section 110 of AB 181 and will remain in effect only until July 1, 2024.

In addition, any student with disabilities who receives services from a nonpublic, nonsectarian school through a virtual program may be permitted to participate in independent study if the student's IEP team determines that FAPE can be provided to the student by means of the virtual program and other conditions of law are satisfied.

A temporarily disabled student shall not receive individual instruction pursuant to Education Code 48206.3 through independent study. (Education Code 51745)

CSBA NOTE: The following paragraph limits enrollment in independent study to those students for whom state apportionments can be claimed. Pursuant to Education Code 51745, as amended by AB 181, no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program are eligible for apportionment credit for independent study, with the exception of students participating in independent study due to an emergency as described in Education Code 41422 and 46392. A pregnant student or a parenting student who is the primary caregiver for the student's child(ren) is not included in this cap.

Except for students participating in independent study due to an emergency as described in Education Code 41422 and 46392 and pregnant and parenting students who are the primary caregiver for their child(ren), no more than 10 percent of the students enrolled in a continuation high school or opportunity school or program shall be enrolled in independent study. (Education Code 51745)

Monitoring Student Progress

CSBA NOTE: The following optional section may be revised to reflect district practice.

The independent study administrator and/or supervising teacher shall promptly and directly address any failure by the student to meet the terms of the student's written agreement. The following supportive strategies may be used:

1. A letter to the student and/or parent/guardian
2. A meeting between the student and the teacher and/or counselor
3. A meeting between the student and the independent study administrator, including the parent/guardian if appropriate
4. An increase in the amount of time the student works under direct supervision

When the student has failed to make satisfactory educational progress or missed the number of assignments specified in the written agreement as requiring an evaluation, the Superintendent or designee shall conduct an evaluation to determine whether independent study is in the student's best interest. This evaluation may result in termination of the independent study agreement and the student's return to the regular classroom program or other alternative program. (Education Code 51747, 51749.5; 5 CCR 11701)

A written record of the findings of any such evaluation shall be treated as a mandatory interim student record which shall be maintained for three years from the date of the evaluation, and if the student transfers to another public school in California, the record shall be forwarded to that school. (Education Code 51747, 51749.5)

Responsibilities of Independent Study Administrator

CSBA NOTE: The following optional section may be revised to reflect district practice.

The responsibilities of the independent study administrator include, but are not limited to:

1. Recommending certificated staff to be assigned as independent study teachers at the required teacher-student ratios pursuant to Education Code 51745.6 and supervising staff assigned to independent study functions who are not regularly supervised by another administrator
2. Approving or denying the participation of students requesting independent study
3. Facilitating the completion of written independent study agreements
4. Ensuring a smooth transition for students into and out of the independent study mode of instruction
5. Approving all credits earned through independent study
6. Completing or coordinating the preparation of all records and reports required by law, Board policy, or administrative regulation

Assignment and Responsibilities of Independent Study Teachers

Each student's independent study shall be coordinated, evaluated, and carried out under the general supervision of a district employee who possesses a valid certification document pursuant to Education Code 44865 or emergency credential pursuant to Education Code 44300, registered as required by law, and who consents to the assignment. (Education Code 44865, 51747.5; 5 CCR 11700)

CSBA NOTE: Pursuant to Education Code 51745.6, the equivalency of teacher-student ratios as described below is a necessary condition for the district to receive apportionments for independent study. The district may exceed these ratios, but those additional units of independent study ADA would not be funded.

The Education Audit Appeals Panel's, "Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting," includes verification that the district calculated its independent study teacher-student ratio consistent with Education Code 51745.6.

The ratio of student average daily attendance for independent study students age 18 years or younger to full-time equivalent certificated employees responsible for independent study shall not exceed the equivalent ratio for all other education programs in the district, unless a new higher or lower ratio for all other educational programs offered is negotiated in a collective bargaining agreement or the district enters into a memorandum of understanding that indicates an existing collective bargaining agreement contains an alternative ratio. (Education Code 51745.6)

CSBA NOTE: The remainder of this section is optional and may be revised to reflect district practice.

The responsibilities of the supervising teacher shall include, but are not limited to:

1. Completing designated portions of the written independent study agreement and signing the agreement
2. Supervising and approving coursework and assignments
3. Maintaining records of student assignments showing the date the assignment is given and the date the assignment is due
4. Maintaining a daily or hourly attendance register in accordance with Item #4 in the section on "Records" in the accompanying Board policy
5. Providing direct instruction and counsel as necessary for individual student success
6. Regularly meeting with the student to discuss the student's progress

CSBA NOTE: Pursuant to Education Code 51747.5, as amended by AB 181, the district may claim apportionment credit for independent study only to the extent of the time value of student work products as personally judged by a certificated employee of the district, or the combined time value of student work products and participation in synchronous instruction, as long as the synchronous instructional offering augments the time value of the student work product and evidence of student participation is furnished and maintained. Evidence of student participation may include, but is not limited to, student work produced or performed as verified by a certificated employee and maintained by the district for each hour or fraction of an hour of the synchronous instructional offering. Education Code 51747.5 specifies that the teacher is not required to sign and date the work products.

7. Determining the time value of assigned work or work products completed and submitted by the student
8. Assessing student work and assigning grades or other approved measures of achievement

CSBA NOTE: Education Code 51747.5 requires districts to document each student's participation in live interaction and synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program. A student who does not participate in scheduled live interaction or synchronous instruction on a school day shall be documented as nonparticipatory for that school day, for purposes of student participation reporting and tiered reengagement pursuant to Education Code 51747.

9. Documenting each student's participation in live interaction and/or synchronous instruction pursuant to Education Code 51747 on each school day, as applicable, in whole or in part, for which live interaction or synchronous instruction is provided as part of the independent study program

The Superintendent or designee shall ensure that independent study teachers have access to professional development and support comparable to classroom-based teachers.

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

State References

5 CCR 11700-11705

Ed. Code 17289

Description

Independent study

Exemption for facilities

Ed. Code 41020	Requirement for annual audit
Ed. Code 41422	Emergency conditions and apportionments
Ed. Code 42238	Revenue limits
Ed. Code 42238.05	Local control funding formula; average daily attendance
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46100	Length of school day
Ed. Code 46200-46208	Incentives for longer instructional day and year
Ed. Code 46300-46307.1	Methods of computing average daily attendance
Ed. Code 46390-46393	Emergency average daily attendance
Ed. Code 46600	Interdistrict attendance computation
Ed. Code 47612-47612.1	Charter School Operation
Ed. Code 47612.5	Charter schools operations; general requirements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48206.3	Home or hospital instruction; students with temporary disabilities
Ed. Code 48220	Classes of children exempted
Ed. Code 48340	Improvement of pupil attendance
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48916.1	Educational program requirements for expelled students
Ed. Code 48917	Suspension of expulsion order
Ed. Code 49011	Student fees
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51744-51749.6	Independent study
Ed. Code 52060	Local Control and Accountability Plan
Ed. Code 52523	Adult education as supplement to high school curriculum; criteria
Ed. Code 56026	Individual with exceptional needs
Ed. Code 58500-58512	Alternative schools and programs of choice
Fam. Code 6550-6552	Caregivers
Federal References	Description
20 USC 6301	Highly qualified teachers
20 USC 6311	State plan
Management Resources References	Description
California Department of Education Publication	Legal Requirements for Independent Study
California Department of Education Publication	Conducting Individualized Determinations of Need
California Department of Education Publication	2021-22 AA & IT Independent Study FAQs
California Department of Education Publication	California Digital Learning Integration and Standards Guidance, May 2021
California Department of Education Publication	Elements of Exemplary Independent Study

Court Decision	Modesto City Schools v. Education Audits Appeal Panel (2004) 123 Cal.App.4th 1365
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Consortium for Independent Study - https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfOR6gplusRQ==
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5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==
5126	Awards For Achievement - https://simbli.eboardsolutions.com/SU/3vcVxdl9QTMjNZKGMBvvug==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==
5141.31	Immunizations - https://simbli.eboardsolutions.com/SU/xIV11kQJSplusf7slshAnBIYIJA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyaklQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/El88u7DdXyv0auDplus9Wul3g==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==
6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rslshEslshKMosslshZA==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTlz3YiADAJMA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==

6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==
6152	Class Assignment - https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==
6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==
6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/G268I3K6kr8EEbTmbKV2A==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmsIshFiQ==
6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==
6183	Home And Hospital Instruction - https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2IhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsIshTAym6k58NpbUxTJA==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFIqzwmwZQwt8slshR7plusdHYQQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/plus0bvJoejCOEIMYEaP8Bpgg==

Policy 6164.2: Guidance/Counseling Services

Status: ADOPTED

Original Adopted Date: 11/01/2007 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

CSBA NOTE: The following optional Board policy should be revised to reflect district practice. Education Code 49600, as amended by AB 2508 (Ch. 153, Statutes of 2022) urges districts to offer students a comprehensive educational counseling program that is implemented in a structured and coherent manner within a Multi-Tiered Systems of Support framework. Pursuant to Education Code 49600, as amended by AB 2508, specialized services offered under such a program must be provided by appropriately credentialed school counselors.

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.

CSBA NOTE: Pursuant to Education Code 44266 and 5 CCR 80049-80049.1, persons authorized to provide services in school counseling, school psychology, or school social work must possess a Pupil Personnel Services credential, with the appropriate specialization, issued by the Commission on Teacher Credentialing.

The Superintendent or designee shall ensure that all persons employed to provide direct school counseling, school psychology, school social work services to students, and/or implement equitable school programs and services that support students' academic and social emotional development and college and career readiness shall possess the appropriate credential from the Commission on Teacher Credentialing authorizing their employment in such positions. Responsibilities of such positions shall be clearly defined in a job description.

CSBA NOTE: The following optional list may be revised to reflect district practice. Education Code 49600, as amended by AB 2508, expresses the Legislature's intent that school counselors fulfill the following responsibilities.

Responsibilities of school counselors include, but are not limited to:

1. Engaging with, advocating for, and providing all students with direct services, such as individual counseling, group counseling, risk assessment, crisis response, and instructional services, including mental health and behavioral, academic, and postsecondary educational services and indirect services, including but not limited to, positive school climate strategies, teacher and parent consultations, and referrals to public and private community services
2. Planning, implementing, and evaluating school counseling programs
3. Working within a MTSS that uses multiple data sources to monitor and improve student behavior, attendance, engagement, and achievement
4. Developing, coordinating, and supervising comprehensive student support systems in collaboration with teachers, administrators, other pupil personnel services professionals, families, community partners, and community agencies, including county mental health agencies
5. Promoting and maintaining a safe learning environment for all students by providing restorative practices, positive behavior interventions, and support services, and by developing a variety of intervention strategies, and using those strategies, to meet individual, group, and school community needs before, during, and after a crisis
6. Intervening to ameliorate school-related problems, including problems related to chronic absences and retention
7. Using research-based strategies to promote mental wellness, reduce mental health stigma, and to identify characteristics, risk factors, and warning signs of students who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, including mistreatment related to any form of conflict or bullying
8. Improving school climate and student well-being by addressing the mental and behavioral health needs of students during a period of transition, separation, heightened stress, and critical changes, accessing community programs and services to meet those needs, and providing other appropriate services

9. Enhancing students' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs

CSBA NOTE: Item #10 below may be revised to specify only English learners, students eligible for free and reduced-price meals, and foster youth, as provided in Education Code 49600. However, a district is permitted to provide such services to other categories of students who may be in need, such as students experiencing homelessness

10. Providing counseling services for unduplicated students who are classified as English learners, or foster youth, homeless children, and students eligible for free and reduced-priced meals, including interventions and support services that enhance equity and access to appropriate education systems and public and private services
11. Engaging in continued development as a professional school counselor

Educational And Career Counseling

CSBA NOTE: The following optional section is for use by districts that maintain any of grades 7-12 and may be revised to reflect district practice and the grade levels offered by the district.

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)

CSBA NOTE: Items #1-5 below reflect required components of educational counseling programs specified in Education Code 49600, as amended by AB 2508.

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

CSBA NOTE: Pursuant to Education Code 49600, educational counseling must include career and vocational counseling as described in Item #5 below. As amended by AB 2508, Education Code 49600 requires that professional development related to career and vocational counseling include strategies for counseling students pursuing postsecondary education, career technical education, multiple pathways, college, and global career opportunities.

5. High-quality career programs at all grade levels in which students are assisted in doing all of the following:
 - a. Planning for the future, including, but not limited to, identifying personal interests, skills, and abilities, career planning, course selection, and career transition
 - b. Becoming aware of personal preferences and interests that influence educational and occupational exploration, career choice, and career success
 - c. Developing work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on quality of life
 - d. Understanding the relationship between academic achievement and career success, and the importance of maximizing career options
 - e. Understanding the value of participating in career technical education pathways, programs, and certifications, including, but not limited to, those related to regional occupational programs and centers, the federal program administered by the United States Department of Labor offering free education and vocational training to students, known as "Job Corps," the California Conservation Corps, work-based

learning, industry certifications, college preparation and credit, and employment opportunities

- f. Understanding the need to develop essential employable skills and work habits

CSBA NOTE: Education Code 49600, as amended by AB 2508, adds the following component to educational counseling programs, reflected below.

- g. Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test

CSBA NOTE: In addition to the required components listed above, Education Code 49600, as amended by AB 2508, includes a list of optional components which a district may, at its discretion, offer as part of the educational counseling program.

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)

CSBA NOTE: As amended by AB 2508, Education Code 49600 also permits districts to offer mental and behavioral health services as provided in the following paragraph.

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.

CSBA NOTE: Education Code 221.5 prohibits school counselors from offering vocational or school program guidance to a student of one sex that is different from that offered to a student of the opposite sex. In addition, 5 CCR 4930 prohibits discrimination in counseling programs to the same extent that discrimination is prohibited in all other district programs and activities. Prohibited bases for discrimination in district programs are specified in BP 0410 - Nondiscrimination in District Programs and Activities.

No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category specified in BP 0410 - Nondiscrimination in District Programs and Activities.

In addition, counselors shall affirmatively explore with a student the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex. (Education Code 221.5)

For assessing or counseling students, the district shall not use testing or other materials that permit or require impermissible or unlawful differential treatment of students. (5 CCR 4931)

CSBA NOTE: 20 USC 7908 requires districts receiving funds under the Elementary and Secondary Education Act (ESEA) to provide military recruiters with the same access to students as is provided to colleges and prospective employers. Districts that do not grant similar access may lose those funds and may be subject to specific interventions, such as notification to the Governor and Congress, so that public officials can work with the district. Districts that do not receive ESEA funds and that choose to grant access to college and employment recruiters should do so on a nondiscriminatory basis. Education Code 49603 provides that military service recruiters may not be denied on-campus access to students in grades 9-12 if the district provides such access to other employers. For information regarding military recruiter access to student directory information, see BP/AR 5125.1 - Release of Directory Information.

Option 1 below is for use by districts that choose to adopt a policy that permits college and employment recruiters, including military recruiters, access to students. Option 2 is for districts that choose to adopt a policy that does not permit such access.

OPTION 1: Colleges and prospective employers, including military recruiters, shall have the same access to students for recruiting purposes. (Education Code 49603; 10 USC 503; 20 USC 7908)

OPTION 1 ENDS HERE

OPTION 2: Colleges and prospective employers, including military recruiters, shall not have access to students for recruiting purposes. (Education Code 49603; 10 USC 503)

OPTION 2 ENDS HERE

CSBA NOTE: Pursuant to Labor Code 3074.2, as added by AB 643 (Ch. 324, Statutes of 2021), districts are encouraged to provide students with opportunities to explore, make career choices, and seek appropriate instruction and training to support those choices, by hosting locally focused apprenticeship and/or career and technical education fair events, such as college and career fairs.

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.

CSBA NOTE: Labor Code 3074.2, as added by AB 643, requires any district planning to hold a college or career fair to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. To identify approved programs the district is required to rely on the Division of Apprenticeship Standards' database of approved apprenticeship programs, published by the Division of Apprenticeship Standards located on its internet web site.

When planning to hold a college or career fair, the Superintendent or designee shall notify each apprenticeship program in the county. The notification shall include the planned date, time and location of the college or career fair. (Labor Code 3074.2)

Personal or Mental Health Counseling

CSBA NOTE: The following optional section may be revised to reflect district practice. A school counselor, school psychologist, or school social worker may offer personal or family counseling in accordance with the authorizations on their credentials. In addition, districts may provide mental health services through school-based health centers (see BP 5141.6 - School Health Services) and/or may collaborate with community agencies, organizations, and health care providers to ensure that services are available.

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.

CSBA NOTE: If a minor is 11 years old or younger, consent by a parent/guardian is required before providing the minor with outpatient mental health counseling or treatment services. Family Code 6920-6929 and Health and Safety Code 124260 allow 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, as defined, the minor is mature enough to participate intelligently in the services. However, the child's parent/guardian must still be involved unless the professional person determines it would be inappropriate.

Written parent/guardian consent shall be obtained before mental health counseling or treatment services are provided to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929, Health and Safety Code 124260, or other applicable law.

Any information of a personal nature disclosed to a school counselor by a student age 12 years or older or by the student's parent/guardian is confidential and shall not become part of the student record without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to except under the limited circumstances specified in Education Code 49602. (Education Code 49602)

A counselor shall consult with the Superintendent or designee and, as appropriate, with the district's legal counsel whenever unsure of how to respond to a student's personal problem or when questions arise regarding the possible release of confidential information regarding a student.

Crisis Counseling

The Board recognizes the need for a prompt and effective response when students are confronted with a traumatic incident. School counselors shall assist in the development of the comprehensive school safety plan, emergency and

disaster preparedness plan, and other prevention and intervention practices designed to assist students and parents/guardians before, during, and after a crisis.

Early identification and intervention plans shall be developed to help identify those students who may be at risk for violence so that support may be provided before they engage in violent or disruptive behavior.

In addition, the Superintendent or designee shall identify crisis counseling resources to train district staff in effective threat assessment, appropriate response techniques, and/or methods to directly help students cope with a crisis if it occurs.

Teacher-Based Advisory Program

CSBA NOTE: The following optional section is for use by districts that choose to provide a teacher-based advisory program as authorized by Education Code 49600. The following section may be revised to reflect district practice, including the grade levels at which the program will operate. It should be deleted by districts in which all student counseling is provided by credentialed school counselors.

The Board recognizes that a supportive, ongoing relationship with a caring adult can provide a student with valuable advice, enhance student-teacher relationships, and build the student's feelings of connectedness with the school. The Board authorizes the development of a teacher-based advisory program in which teachers advise students in such areas as academic planning, character development, conflict resolution, and self-esteem. Any teacher participating in this program shall be under the supervision of a credentialed school counselor as appropriate, receive related information and training, and be subject to this Board policy and law, including requirements pertaining to student confidentiality and nondiscrimination.

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

State References

	Description
5 CCR 4930-4931	Counseling
5 CCR 80049-80049.1	Pupil Personnel Services credential
5 CCR 80632-80632.5	Preparation programs for Pupil Personnel Services
Ed. Code 221.5	Equal opportunity
Ed. Code 44266	Pupil Personnel Services credential
Ed. Code 48431	Establishing and maintaining high school guidance and placement program
Ed. Code 49600-49604	Educational counseling
Ed. Code 51250-51251	Assistance to military dependents
Ed. Code 51513	Personal beliefs
Fam. Code 6920-6930	Consent by minor for medical treatment
Gov. Code 6254	Exemption for personnel records if invasion of personal privacy
H&S Code 124260	Mental health services; consent by minors age 12 and older
Lab. Code 3074.2	College and career fairs; notice to apprenticeship programs
Pen. Code 11166-11170	Reporting known or suspected cases of child abuse
W&I Code 5850-5883	Mental Health Services Act

Federal References

	Description
10 USC 503	Military recruiter access to directory information
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 7908	Armed forces recruiter access to students and student recruiting information
34 CFR 99.1-99.67	Family Educational Rights and Privacy

Management Resources References**Description**

California Department of Education Publication	California Results-Based School Counseling and Student Support Guidelines, 2007
Website	California Division of Apprenticeship Standards - https://simbli.eboardsolutions.com/SU/uE7fWtCmCWa0Bbr6POZVvA==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Association of School Counselors - https://simbli.eboardsolutions.com/SU/BoLICJgsmR0Iz2b9uY9pZw==
Website	American School Counselor Association - https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==
Website	U.S. Department of Education, access to military recruiters - https://simbli.eboardsolutions.com/SU/bm4rELAxzOncS8mvxauVUg==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References**Description**

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rpluslusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBQP13Jplus7cw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/FQOZDcYoBERqzRucs3xsMA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlglcLPJYKR9w==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpybttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJkOFJdr6rBfMAplusbMplusg==
1313	Civility - https://simbli.eboardsolutions.com/SU/cERNNranyLpslshslshpqrqyRyAw==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/vJHizKctUNWljEfGnHx4CA==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/ROslshkemJzfdlILrBjXYxC1w==

3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/x6NWrX0FV0TusDr7guOmSQ==
3516	Emergencies And Disaster Preparedness Plan - https://simbli.eboardsolutions.com/SU/UzirPzb2Tud8LJ2LDo5W5w==
3516.2	Bomb Threats - https://simbli.eboardsolutions.com/SU/IVIK9slshAlIKtBcZcF8v5agg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMhaRz6slshWJQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/DzT84cjiN31dA5odXslshEoA==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/3to8RplnokMSGvb2EJ8Qmg==
5022	Student And Family Privacy Rights - https://simbli.eboardsolutions.com/SU/nplusdgJwa04NhAQWxYfv3GKA==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/OvU6bIFneYGxiu8HTsCalQ==
5113	Absences And Excuses - https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/Lz97LnzWjMXSu91JfHK6HA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==
5125	Student Records - https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkHAQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/jYtwXJDslshkuKNsmoetBdSzQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/A00pFFSMUslshDODL2a9HlbtQ==
5125.1-E PDF(1)	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/u8Wpluss34VJFsqplusSplusApU7gow==
5131	Conduct - https://simbli.eboardsolutions.com/SU/pBUFdJOEye0pz1R21VtIYQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/Sw0juMy0rrGlgPDYiJ2Rvw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/MwcrPaiVN3oQ15PFbAoQPA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==
5131.6	Alcohol And Other Drugs - https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==

5136	Gangs - https://simbli.eboardsolutions.com/SU/TeIQJmrs5CMY7ZslshwzqlPaQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/J2plusQxKCdQp6eCW0ucjhxKw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBL0iceWSBplusA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/WM38treDjLEIDeRTkCMSCA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eAe18Pkbslshqyslsh5aoMoF7ksQ==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/KxDBTjskEdlUR2Gj3BFRPw==
5141.6	School Health Services - https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/q5NswZUhPTbrdfxL6JpCuQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGnMD6jCg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==
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5145.6	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0Xfallui15AA==
5145.6-E(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcslshJyFn1Yfqfw==
5145.6-E PDF(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==
5147	Dropout Prevention - https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==
6120	Response To Instruction And Intervention - https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==
6141.4	International Baccalaureate Program - https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==
6141.5	Advanced Placement - https://simbli.eboardsolutions.com/SU/VKU0plusZC9i4xPUaA9uN30nA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==

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6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/zJXVIX5MAJLJUeETQnbQA==
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6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6164.5	Student Success Teams - https://simbli.eboardsolutions.com/SU/XrnsIshQlPaFW9wMoMV2IEKpg==
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6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==
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6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==
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6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfkAplusFQR21mnjd3hw==
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6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==
6173-E PDF(2)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/D7vRHxXZslshBORslshzL7t0wPgww==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==
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6175	Migrant Education Program - https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==
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6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==

6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
6185	Community Day School - https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==
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6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==
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Policy 6178: Career Technical Education

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

CSBA NOTE: The following policy is for use by districts that maintain any of grades 7-12. Education Code 51220 requires that the adopted course of study for grades 7-12 include courses in career technical education (CTE); see BP/AR 6143 - Courses of Study.

Funding for CTE programs may be available through the federal Strengthening Career and Technical Education for the 21st Century Act, sometimes referred to as Perkins V (20 USC 2301-2414), and state grant programs such as the California Career Pathways Trust pursuant to Education Code 53010-53016, the California Career Technical Education Incentive Grant Program pursuant to Education Code 53070-53076.4, the Golden State Pathways Program pursuant to Education Code 53020-53025, the Apprenticeship Innovation Funding Program pursuant to Labor Code 3110-3112.1, and Youth Apprenticeship pursuant to Labor Code 3120-3122.4. In addition, secondary schools may offer CTE through partnership academies (Education Code 54690-54697), regional occupational centers and programs (ROC/Ps) (Education Code 52300-52335.12), and/or district-funded programs.

The following policy should be revised to reflect program(s) offered by the district and grade levels at which such programs shall be offered.

The Governing Board desires to provide a comprehensive career technical education (CTE) program in the secondary grades which integrates core academic instruction with technical and occupational instruction in order to increase student achievement, graduation rates, and readiness for postsecondary education and employment. The district's CTE program shall be designed to help students develop the academic, career, and technical skills needed to succeed in a knowledge- and skills-based economy.

The district's CTE program shall focus on preparing students to enter current or emerging high-skill, high-wage, and/or high-demand occupations by providing a rigorous academic component and practical experience in all aspects of an industry. CTE opportunities may be offered through linked learning programs, partnership academies, apprenticeship programs or orientation to apprenticeships, regional occupational centers or programs (ROC/Ps), charter schools, small learning communities, magnet programs, or other programs that expose students to career options while preparing them for future careers in a given industry or interest area.

The Superintendent or designee shall explore available funding sources that may be used to support CTE programs. The Board shall review and approve all district plans and applications for the use of district, state, and/or federal funds supporting CTE.

CSBA NOTE: State model curriculum standards for CTE for grades 7-12 integrate the state's academic content standards with industry-specific knowledge and skills in 58 career pathways organized into 15 industry sectors: agriculture and natural resources; arts, media, and entertainment; building trades and construction; education, child development, and family services; energy and utilities; engineering and design; fashion and interior design; finance and business; health science and medical technology; hospitality, tourism, and recreation; information technology; manufacturing and product development; marketing, sales, and service; public services; and transportation. The state's curriculum framework for CTE provides guidance in implementing the state content standards. Any district that adopts a course of study that meets or exceeds the state model curriculum standards will be deemed to have satisfied the requirement of Education Code 51228 that the district offer students in grades 7-12 the opportunity to attain entry-level employment skills in business or industry upon high school graduation; see BP 6143 - Courses of Study.

The Board shall adopt district standards for CTE which meet or exceed the state's model content standards and describe the essential knowledge and skills that students enrolled in these courses are expected to master. The course curriculum shall be aligned with district-adopted standards and the state's curriculum framework.

CSBA NOTE: Pursuant to Education Code 52376, the following two paragraphs are mandated for districts that accept funds for the purpose of developing and implementing, in consultation with the ROC/P and community college serving the geographic area of the district, a CTE program for high school students.

At least every three years, the Board shall compare the district's curriculum, course content, and course sequence of CTE with the model state curriculum standards. (Education Code 52376)

CSBA NOTE: Education Code 52376 requires districts to determine the extent to which their CTE courses may offer an alternative means for completing course requirements for high school graduation.

Education Code 51225.3, as amended by AB 101 (Ch. 661, Statutes of 2021), no longer authorizes a course in CTE to serve as an alternative to the visual or performing arts or world language course requirement for high school graduation. However, if a student completed a CTE course prior to July 1, 2022 that met the requirements of Education Code 51225.3, such course will fulfill the visual or performing arts or world language graduation requirement; see BP 6146.1 - High School Graduation Requirements.

The Superintendent or designee shall systematically review the district's CTE courses to determine the degree to which each course may offer an alternative means for completing and receiving credit for specific portions of the course of study prescribed by the district for high school graduation. CTE courses approved for these purposes shall be equivalent in content and rigor to the courses prescribed for graduation. (Education Code 52376)

CSBA NOTE: Education Code 51760.1 authorizes districts, county offices of education, ROC/Ps, and partnership academies to provide work-based learning opportunities which may include, but are not limited to, work experience education as defined in Education Code 51764, community classrooms or cooperative CTE programs as defined in Education Code 52372.1, and job shadowing as defined in Education Code 51769; see BP/AR 6178.1 - Work-Based Learning. In addition, although not specified in state law, other examples of work-based learning opportunities cited in CDE's publication, "Multiple Pathways to Student Success: Envisioning the New California High School," include student internships/field study, apprenticeships, service learning, work in social/civic enterprises or school-based enterprises such as student stores, and technology-based or other simulated work experiences.

The Superintendent or designee shall develop partnerships with local businesses and industries to ensure that course sequences, career technical and integrated curriculum, classroom instruction and projects, and assessments have real-world relevance and reflect labor market needs and priorities. The Superintendent or designee shall also work to develop connections with businesses, postsecondary institutions, community organizations, and/or other employers to provide students with actual or simulated work-based learning opportunities.

The Superintendent or designee shall collaborate with postsecondary institutions to ensure that the district's program is articulated with postsecondary programs in order to provide a sequential course of study. Articulation opportunities may include dual or concurrent enrollment in community college courses.

CSBA NOTE: Education Code 8070 requires the Board to appoint a CTE advisory committee composed of representatives from specified groups, as detailed below. During the Federal Program Monitoring process, CDE staff will review whether the district has appointed such a committee.

In addition, pursuant to 20 USC 2354 districts that receive Perkins V funding are required to involve specified stakeholders in conducting a needs assessment and developing the district application, and on a continuing basis thereafter. One way to accomplish this is to include such stakeholders on the CTE advisory committee. Other programs may have similar requirements for stakeholder involvement. The following paragraph may be revised to reflect requirements applicable to programs offered by the district.

The Board shall appoint a CTE advisory committee to develop recommendations on the district's CTE program and to serve as a liaison between the district and potential employers. The committee shall consist of at least one student, teacher, business representative, industry representative, school administrator, member of the general public knowledgeable about the disadvantaged, and representative of the field office of the California Employment Development Department. (Education Code 8070)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. Among the criteria for admission to the University of California (UC) or California State University (CSU) system is a requirement that high school students satisfactorily complete 15 units of specified courses ("A-G" courses). These include a growing number of CTE courses that connect knowledge of academic content with practical or work-related applications. Education Code 51229 requires that districts annually provide parents/guardians of students in grades 9-12 with (1) a brief explanation of the A-G course requirements; (2) a list of UC and CSU web sites that provide related information and a list of certified A-G courses; (3) a brief description of CTE, as defined by CDE; (4) the Internet address for the portion of CDE's web site where students can learn more about CTE; and (5) information about how students may meet with school counselors to help them choose courses that will meet college admission requirements and/or to enroll in CTE courses. See AR 6143 - Courses of Study and E(1) 5145.6 - Parental Notifications.

The Superintendent or designee shall inform all secondary students and their parents/guardians about the CTE experiences available in the district, CTE courses that satisfy college admission criteria, and, if applicable, CTE courses that satisfy high school graduation requirements. In addition, secondary students shall receive individualized academic counseling which provides information about academic and CTE opportunities related to the student's career goals.

CSBA NOTE: Pursuant to 34 CFR 100 (Appendix B), the notice specified below may be made in local newspapers, publications or media reaching target populations, or by other means and should include a brief summary of program offerings, admission criteria, and the name and contact information of the person designated to coordinate Title IX and Section 504 compliance activity. If the population within the district contains a community of persons with limited English language skills, the notification must be disseminated in the languages of the community. See BP 5145.6 - Parental Notifications for state requirements pertaining to the translation of parental notifications.

Prior to the beginning of each school year, the Superintendent or designee shall advise students, parents/guardians, employees, and the general public that all CTE opportunities are offered without regard to any actual or perceived characteristic protected from discrimination by law. The notification shall be disseminated in languages other than English as needed and shall state that the district will take steps to ensure that the lack of English language skills will not be a barrier to admission and participation in the district's CTE program. (20 USC 2354; 34 CFR 100 Appendix B, 104.8, 106.9)

CSBA NOTE: The following paragraph is for use by districts that receive funding through Perkins V for basic CTE programs pursuant to 20 USC 2301-2414. See the accompanying administrative regulation for further information regarding the participation of private school students and staff in district programs.

To the extent required by law, the Superintendent or designee shall invite the participation of private school students in CTE programs supported by federal funding under the Strengthening Career and Technical Education for the 21st Century Act (Perkins). (20 USC 2397)

CSBA NOTE: Pursuant to Labor Code 3074.2, as added by AB 643 (Ch. 324, Statutes of 2021), districts are encouraged to provide students with opportunities to explore, make career choices, and seek appropriate instruction and training to support those choices, by hosting locally focused apprenticeship and/or career technical education fair events, such as college and career fairs.

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.

CSBA NOTE: Labor Code 3074.2, as added by AB 643, requires any district planning to hold a college or career fair to identify approved apprenticeship programs in the county and notify such programs that they are hosting a college or career fair. To identify approved programs the district is required to rely on the Division of Apprenticeship Standards' database of approved apprenticeship programs, located on its web site.

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)

CSBA NOTE: Teachers of technical, trade, or vocational courses must possess a single subject credential or a designated subjects credential issued by the Commission on Teacher Credentialing which authorizes teaching CTE courses. The designated subjects CTE credential is available in 15 subjects which reflect the 15 industry sectors identified in the state's model curriculum standards; see AR 4112.2 - Certification. In order to obtain the preliminary designated subjects credential, teachers must have at least three years of work experience directly related to each industry sector specified on the credential.

The Superintendent or designee shall ensure that teachers of CTE courses possess the qualifications and credentials necessary to teach their assigned courses. The Superintendent or designee shall also provide teachers and administrators with professional development designed to enhance their knowledge of standards-aligned CTE and shall provide opportunities for CTE teachers to collaborate with teachers of academic courses in the development and implementation of integrated curriculum models.

The Superintendent or designee shall provide counselors and other guidance personnel with professional development that includes, but is not limited to, information about current workforce needs and trends, requirements of the district's CTE program, work-based learning opportunities, and postsecondary education and employment options following high school.

CSBA NOTE: The following paragraph is optional. Education Code 17078.72 provides funding for improving and expanding CTE programs through construction of new facilities, remodeling of existing facilities, and/or purchase of equipment.

The Superintendent or designee shall regularly assess district needs for facilities, technologies, and equipment to increase students' access to the district's CTE program.

CSBA NOTE: The following paragraph may be revised to reflect requirements applicable to programs offered by the district. Pursuant to Education Code 52060, the district must annually review its progress toward the goals identified in its local control and accountability plan, including, when applicable, measures of student achievement such as the percentage of students who have successfully completed courses that satisfy the requirements for CTE sequences or programs of study that align with state CTE standards and frameworks. The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes measures of CTE pathway completion within the college/career readiness indicator.

In addition, each district receiving Perkins V funding must evaluate its progress in achieving specific performance levels on core indicators as detailed in the state plan and 20 USC 2323. Pursuant to 20 USC 2343, if the district falls below 90 percent on any of these targets, the district will be required to develop and implement an improvement plan.

The Superintendent or designee shall annually report to the Board achievement data on participating students, including, but not limited to, the percentage of participating students who successfully complete CTE programs, their performance on state and district academic achievement tests, and graduation rates. Data shall be disaggregated by program and various student subgroups. Based on such data, the Board shall determine the need for program improvements and update the goals in the district's local control and accountability plan as necessary.

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

State References

Description

5 CCR 10070-10075	Work experience education
5 CCR 10080-10092	Community classrooms
5 CCR 10100-10111	Cooperative vocational education
5 CCR 11500-11508	Regional occupational centers and programs
5 CCR 11535-11538	Career technical education contracts with private postsecondary schools
5 CCR 11610-11611	Regional adult and vocational education councils
5 CCR 1635	Credit for work experience education
5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
Ed. Code 1205	Classification of counties - https://simbli.eboardsolutions.com/SU/afkpApjV7imvQjs09n6O4A==
Ed. Code 17078.70-17078.72	Career technical education facilities - https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==
Ed. Code 33430-33432	Health science and medical technology grants
Ed. Code 35168	Inventory of equipment
Ed. Code 41540-41544	Targeted instructional improvement block grant
Ed. Code 44257.3	CTC recognition of study in linked learning teaching methods
Ed. Code 44260-44260.1	Designated subjects career technical education credential
Ed. Code 44260.9	Designated subjects career technical education credential
Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
Ed. Code 52519-52520	Adult education; occupational training

Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies; green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
Ed. Code 66205.5-66205.9	Approval of career technical education courses for admission to California colleges
Ed. Code 8006-8155	Career technical education
Ed. Code 88500-88551	Community college economic and workforce development program
Gov. Code 54950-54963	The Ralph M. Brown Act
Lab. Code 3070-3099.5	Apprenticeships
Lab. Code 3110-3112.1	Apprenticeship Innovation Funding Program
Lab. Code 3120-3122.4	Youth Apprenticeship

Federal References

20 USC 2301-2414

20 USC 6301-6578

34 CFR 100

34 CFR 104.1-104.39

34 CFR 106.1-106.61

Description

Strengthening Career and Technical Education for the 21st Century Act

Improving the Academic Achievement of the Disadvantaged -
<https://simbli.eboardsolutions.com/SU/uBgrPnE4ZTLKuykA3OndJw==>

Appendix B Guidelines for eliminating discrimination in career technical education programs

Section 504 of the Rehabilitation Act of 1973

Discrimination on the basis of sex, effectuating Title IX

Management Resources References

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

CSBA Publication

CSBA Publication

Website

Website

Website

Website

Website

Description

California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, January 2013

Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007

Multiple Pathways to Student Success: Envisioning the New California High School, 2010

The Linked Learning Approach to High School Reform, Governance Brief, January 2014

A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014

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

U.S. Department of Education, Office of Vocational and Adult Education -
<https://simbli.eboardsolutions.com/SU/KuFNXqUtDnSwVVyc3V8IWQ==>

U.S. Department of Labor, Bureau of Labor Statistics -
<https://simbli.eboardsolutions.com/SU/RHwiAxFplus6wwheRAXtEJRbg==>

California Department of Education, Career Technical Education -
<https://simbli.eboardsolutions.com/SU/GbU76nS5slsh50DkSZTrslshUuTg==>

California Department of Employment Development -
<https://simbli.eboardsolutions.com/SU/hmvLawVOABCNaBPAnCxKxw==>

Website	California Workforce Development Board - https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdsIshDSuA==
Website	Association for Career and Technical Education - https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdohEEkqSaFQ==
Website	California Association of Regional Occupational Centers and Programs - https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqll7xnA==
Website	California Career Resource Network - https://simbli.eboardsolutions.com/SU/aiMKC0wIC2eTMogaBMcl9g==
Website	California Department of Industrial Relations - https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==
Website	University of California, A-G Course Submissions - https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZh17ATfHJBQP13Jplus7cw==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/yqvHtAwxzffp9smLplusmfcAQ==
0420.4	Charter School Authorization - https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wl0TCQ==
0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/N8bGSx8fXallgcLPJYKR9w==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMplZpTd3ujpQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMplusbMplusg==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/ZCumr5xglcyZr9nTlplusn4LA==

3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==
3230	Federal Grant Funds - https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==
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3512-E(1)	Equipment - https://simbli.eboardsolutions.com/SU/htmlpluswvNopsrGRvHnZmL57Q==
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4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AInllsFw7ag==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
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5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==
5113.2	Work Permits - https://simbli.eboardsolutions.com/SU/2En6wnlSEgfSfkSp6tsW2Q==
5145.6	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==
5145.6-E(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/RdNSntUjWlcslhJyFn1Yfqfw==
5145.6-E PDF(1)	Parent/guardian Notifications - https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/AOMrlh0ISNE6AkENQ3qyBg==
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6011	Academic Standards - https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==
6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3lDgijtlg==
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6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQB68mlO84XP5vNw==
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6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==
6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==

6141.4	International Baccalaureate Program - https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==
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6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
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6145.5	Student Organizations And Equal Access - https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==
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6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6159	Individualized Education Program - https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWOYqgA==
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6162.5	Student Assessment - https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==
6162.51	State Academic Achievement Tests - https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==
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6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
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6171	Title I Programs - https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgA2gA==
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6172	Gifted And Talented Student Program - https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==

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6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
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6173	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==
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6173-E PDF(1)	Education For Homeless Children - https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezFN3aKzplusQ==
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6176	Weekend/Saturday Classes - https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyRaqF4w==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==
6178.1	Work-Based Learning - https://simbli.eboardsolutions.com/SU/wLcNslshgmplusmQlg9zvVgyCIMQ==
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6181	Alternative Schools/Programs Of Choice - https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==
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6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
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6190	Evaluation Of The Instructional Program - https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/GBFlqzwmwZQwt8slshR7plusdHYQQ==
6200	Adult Education - https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOW==

Regulation 6178: Career Technical Education

Status: ADOPTED

Original Adopted Date: 03/01/2008 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

CSBA NOTE: The following optional administrative regulation should be revised to reflect program(s) offered by the district.

Federal Grants for Career Technical Education (Perkins)

CSBA NOTE: The following optional section is for use by districts that receive basic grants to support programs of career technical education (CTE) pursuant to the Strengthening Career and Technical Education for the 21st Century Act, often referred to as Perkins V (20 USC 2301-2355), which guarantees that each state will receive a minimum grant equal to 90 percent of its prior year allocation.

During the Federal Program Monitoring (FPM) process, California Department of Education (CDE) staff will review whether the district uses these federal funds to supplement, not supplant, state and local funds for CTE activities, as required by 20 USC 2391, and whether funds are used for appropriate purposes as described in 20 USC 2355 and in the four-year state plan adopted pursuant to 20 USC 2342.

The district shall submit to the California Department of Education an application for a basic grant of the federal Strengthening Career and Technical Education for the 21st Century Act. The application shall address the components specified in 20 USC 2354 and any additional requirements specified in the state plan developed pursuant to 20 USC 2342. (20 USC 2354)

The district shall conduct a needs assessment in accordance with 20 USC 2354, which shall be updated at least once every two years. The needs assessment shall be conducted in consultation with representatives of district career technical education (CTE) programs, postsecondary CTE programs, state or local workforce development boards and businesses, parents/guardians, students, and other specified stakeholders. (20 USC 2354)

CSBA NOTE: The district may use Perkins V and other federal, state, and/or district funds to meet the program requirements listed below.

To meet the needs identified in the needs assessment, the Superintendent or designee shall develop, coordinate, implement, or improve CTE programs that are of sufficient size, scope, and quality to be effective and that fulfill the following purposes: (20 USC 2355)

1. Provide career exploration and career development activities through an organized, systematic framework designed to aid students, including students in the middle grades, in making informed plans and decisions about future education and career opportunities and programs of study. Such activities shall occur before students enroll and while they are participating in a CTE program, and may include:
 - a. Introductory courses or activities focused on career exploration and career awareness, including non-traditional fields
 - b. Readily available career and labor market information, including information on occupational supply and demand, educational requirements, other information on careers aligned to economic priorities, and employment sectors
 - c. Programs and activities related to the development of student graduation and career plans
 - d. Career guidance and academic counselors who provide information on postsecondary education and career options
 - e. Any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including nontraditional fields
 - f. Activities that provide students with strong experience in, and comprehensive understanding of, all aspects of an industry
2. Provide the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations
3. Integrate academic skills into CTE programs and programs of study to support participating students in

meeting state academic standards

4. Provide professional development for teachers, school leaders, administrators, specialized instructional support personnel, guidance counselors, and/or paraprofessionals, which may include the types of activities listed in 20 USC 2355
5. Plan and carry out elements that support the implementation of CTE programs and programs of study and that result in increased student achievement. Such elements may include curriculum aligned with program requirements, sustainable relationships among community stakeholders, opportunities for students to participate in accelerated learning programs, equipment and instructional materials aligned with business and industry needs, and other activities specified in 20 USC 2355.
6. Develop and implement evaluations of the activities funded by the grant

CSBA NOTE: Pursuant to 20 USC 2354, the district application for Perkins V funding must describe how individuals will not be discriminated against based on their status as members of "special populations," as defined in 20 USC 2302. In addition, a district that receives federal aid is required by 34 CFR 100 (Appendix B), 104.8, and 106.9 to take "continuing steps" to notify students, parents/guardians, employees, employee organizations, and applicants for admission and employment that it does not discriminate in its educational programs or activities. See BP 0410 - Nondiscrimination in District Programs and Activities.

During the FPM process, CDE staff will check whether the district complies with requirements to (1) ensure equitable access by special population students through outreach, recruitment, enrollment, and placement activities; (2) identify and adopt strategies to overcome barriers to access or success in the program; (3) ensure that counseling materials and activities, including student program selection and career/employment selection, and promotional and recruitment efforts are nondiscriminatory; and (4) advise students, parents/guardians, employees, and the general public, prior to the beginning of the school year, that all CTE opportunities are offered without regard to race, color, national origin, sex, or disability in accordance with 34 CFR 100 (Appendix B).

The district's program shall provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency. Special populations shall be provided with equal access to CTE programs and shall not be unlawfully discriminated against. Special populations include, but are not limited to, students with disabilities, students from economically disadvantaged families, pregnant and parenting students, out-of-work individuals, English learners, homeless students, foster youth, children of military families, and students preparing for nontraditional fields. Nontraditional fields include occupations or fields of work, including careers in computer science, technology, and other emerging high-skill occupations, for which individuals from one gender constitute less than 25 percent of the individuals employed in each such occupation or field of work. (20 USC 2302, 2354, 2373)

Upon written request from a nonprofit private school within the geographical area served by the district, the Superintendent or designee shall consult with private school representatives in a timely and meaningful manner and may provide for the participation of private school secondary students in the district's programs and activities funded pursuant to 20 USC 2301-2414. To the extent practicable, the Superintendent or designee shall also, upon request, permit participation of CTE teachers, administrators, and other personnel from private schools in the district's inservice and preservice professional development programs funded through such grants. (20 USC 2397)

Linked Learning Programs

CSBA NOTE: The following optional section is for use by districts that offer "linked learning" programs integrating academic and career technical study (sometimes called "multiple pathways") and may be revised to reflect district practice.

The district shall offer one or more comprehensive, multi-year linked learning programs in grades 9-12 that are organized around a broad theme, interest area, or industry sector including, but not limited to, the industry sectors identified in model standards adopted by the State Board of Education pursuant to Education Code 51226. The program shall provide all participating students with curriculum choices that prepare them for career entry and a full range of postsecondary options, including two-year and four-year colleges, apprenticeships, and formal employment training.

At a minimum, the district's linked learning program shall include:

1. An integrated core curriculum that meets the eligibility requirements for admission to the University of California (UC) and the California State University (CSU) and is delivered through project-based learning and

other engaging instructional strategies that bring real-world context and relevance to the curriculum where broad themes, interest areas, and CTE are emphasized

2. An integrated technical core of a sequence of at least four related courses that may reflect CTE standards-based courses and that provide students with career skills, are aligned to academic principles, and fulfill academic core requirements described in Item #1 above to the extent possible
3. A series of work-based learning opportunities that begin with mentoring and job shadowing and evolve into intensive internships, school-based enterprises, or virtual apprenticeships
4. Support services, including supplemental instruction in reading and mathematics, that help students master the advanced academic and technical content that is necessary for success in college and career

Partnership Academies

CSBA NOTE: The following optional section is for use by districts that have established a partnership academy pursuant to Education Code 54690-54699.1 and 54750-54760. A partnership academy functions as a school-within-a-school with a career theme and related academic courses primarily directed at students who are at risk of dropping out.

The district shall operate one or more partnership academies as a school-within-a-school focused on a broad career theme. The program shall be available to students in grades 10-12, at least half of whom shall be students who are at risk of dropping out of school as indicated by three or more of the following criteria: (Education Code 54690-54691)

1. Past record of irregular attendance, with absence from school 20 percent or more of the school year
2. Past record of underachievement in which the student is at least one-third of a year behind the coursework for the respective grade level, or as demonstrated by credits achieved
3. Past record of low motivation or disinterest in the regular school program
4. Economic disadvantage
5. Scores below basic or far below basic on the mathematics or English language arts test of the California Assessment of Student Performance and Progress
6. A grade point average of 2.2 or below or the equivalent of a C minus

Ninth-grade teachers and counselors shall identify students eligible to participate in a partnership academy. Participating students shall be selected by academy staff from among those who have expressed an interest in the academy and whose parents/guardians have approved the student's participation. (Education Code 54695)

The district's program shall provide: (Education Code 54692)

1. During each regular school term, instruction in at least three academic subjects that:
 - a. Prepares students for a regular high school diploma
 - b. Where possible and appropriate, prepares students to meet subject requirements for admission to UC and CSU
 - c. Contributes to an understanding of the occupational field of the academy

CSBA NOTE: Education Code 54692, as amended by AB 1923 (Ch. 114, Statutes of 2022), includes science, technology, engineering, and mathematics courses as required alternative courses that must be offered to students participating in partnership academies.

2. CTE or science, technology, engineering, and mathematics courses offered at each grade level at the academy that are part of an occupational course sequence that targets comprehensive skills and meets the criteria specified in Education Code 54692
3. Classes that are block scheduled in a cluster whenever possible to provide flexibility to academy teachers and which may vary in number during grade 12

4. A mentor from the business community for students during grade 11
5. An employer-based internship or work experience that occurs during the summer following grade 11 or during grade 12
6. Additional motivational activities with private sector involvement to encourage academic and occupational preparation

Attendance in academy classes shall be limited to students enrolled in the academy. (Education Code 54692)

The Superintendent or designee shall establish an advisory committee consisting of individuals involved in academy operations, including district and school administrators, lead teachers, and representatives of the private sector. (Education Code 54692)

Apprenticeship Programs

CSBA NOTE: The following optional paragraph may be used by districts that provide a program of "orientation to apprenticeships" to students who have not yet applied to an apprenticeship program. Such programs are sometimes referred to as "pre-apprenticeship programs." However, the Department of Industrial Relations (DIR), in its publication, "Orientation to Apprenticeship: A Guide for Educators," notes that "pre-apprentice" is used by some trades as a classification of worker and therefore prefers the term "orientation to apprenticeship" to refer to a program offered by secondary schools. Items #1-5 below reflect key program components recommended in the DIR publication and may be revised to reflect district practice.

The district shall offer high school and/or adult education students a program of orientation to apprenticeships that acquaints students with a broad range of career options, provides information regarding available apprenticeship programs, and provides classroom instructional job training which guides students to a registered apprenticeable occupation.

The district's program shall:

1. Introduce students to what they need to know in order to apply, test, and interview for acceptance into an apprenticeship program
2. Demonstrate the need for proficiency in reading and comprehension, mathematics, science, and technology
3. Emphasize the necessity to have the ability to communicate in reading, writing, speaking, listening, and numeration skills
4. Identify the knowledge, skills, and attitudes needed to enter and successfully complete an apprenticeship program
5. Provide an orientation to a specific craft or trade or to an industry

CSBA NOTE: The following optional paragraph is for use by districts that contract with sponsors of approved apprenticeship programs (e.g., individual employers, labor or management apprenticeship committees, or joint labor-management apprenticeship committees) pursuant to Education Code 8150-8155 and Labor Code 3070-3099.5 to provide classes of related and supplemental instruction. Apprenticeship programs are offered for a period of one to six years (typically four years) and provide specialized on-the-job training that prepares an individual for employment in a craft or trade profession.

The district may enter into an agreement with a local business, labor or management apprenticeship committee, and/or joint labor-management apprenticeship committee that has been approved by the Department of Industrial Relations' Division of Apprenticeship Standards to sponsor an apprenticeship program in order to develop and deliver related and supplemental instruction to students participating in a registered apprenticeship program. (Education Code 8150-8155; Labor Code 3074, 3075, 3078)

Regional Occupational Center/Program

CSBA NOTE: The following optional section is for use by districts that partner with or offer their own local regional occupational center or program (ROC/P) pursuant to Education Code 52300-52335.12, and may be revised to reflect district practice. Education Code 52301 authorizes the establishment of an ROC/P by (1) the County

Superintendent of Schools, with the approval of the State Board of Education (SBE); (2) two or more districts maintaining high schools, with the approval of SBE and the County Superintendent; or (3) a single district with an average daily attendance (ADA) of 50,000 or more located in a class 1 county or a district with an ADA of 100,000 or more located in a class 2 county, as defined in Education Code 1205. ROC/P courses are open to secondary students, with priority enrollment given to students ages 16-18 or in grades 11-12. See BP 6178.2 - Regional Occupational Center/Program for additional program requirements.

The district shall operate and/or partner with a regional occupational center or program (ROC/P), established pursuant to Education Code 52335.12, which offers CTE courses, linked learning programs, partnership academies, and/or pre-apprenticeship and apprenticeship programs as appropriate.

Occupational course sequences offered by ROC/P shall provide prerequisite courses needed to enter apprenticeship or postsecondary vocational certificate or degree programs, focus on occupations requiring comprehensive skills leading to high entry-level wages and/or the possibility of significant wage increases after a few years on the job, offer as many courses as possible that meet college admission requirements, and lead to attainment of an occupational skill certificate. (Education Code 52302)

Student Organizations

CSBA NOTE: The following optional section may be used by districts providing any CTE program(s). 20 USC 2355 permits the use of Perkins V funding to support career technical student organizations and related activities. According to CDE, state-supported organizations include California DECA: A Marketing Association (formerly Distributive Education Clubs of America), Future Business Leaders of America (FBLA), Future Farmers of America (FFA), Future Homemakers of America-Home Economics Related Occupations (FHA-HERO), Health Occupations Students of America (HOSA), and Skills USA (formerly Vocational Industrial Clubs of America-VICA).

The district may provide support, including supplies, materials, activities, and advisor expenses, to student organizations which engage in activities that are integral to the CTE program and provide for the development of student leadership skills. However, no state or federal funds shall be used to pay students' membership dues, food or lodging expenses, out-of-state travel, or the cost of a social activity or assemblage.

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

State References

Description

5 CCR 10070-10075	Work experience education
5 CCR 10080-10092	Community classrooms
5 CCR 10100-10111	Cooperative vocational education
5 CCR 11500-11508	Regional occupational centers and programs
5 CCR 11535-11538	Career technical education contracts with private postsecondary schools
5 CCR 11610-11611	Regional adult and vocational education councils
5 CCR 1635	Credit for work experience education
5 CCR 3051.14	Specially designed career technical education for students with disabilities
8 CCR 200-240	Apprenticeships
Ed. Code 1205	Classification of counties - https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==
Ed. Code 17078.70-17078.72	Career technical education facilities - https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==
Ed. Code 33430-33432	Health science and medical technology grants
Ed. Code 35168	Inventory of equipment
Ed. Code 41540-41544	Targeted instructional improvement block grant
Ed. Code 44257.3	CTC recognition of study in linked learning teaching methods
Ed. Code 44260-44260.1	Designated subjects career technical education credential
Ed. Code 44260.9	Designated subjects career technical education credential

Ed. Code 48430	Continuation education schools and classes
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 51220-51230	Course of study for grades 7-12
Ed. Code 51760-51769.5	Work experience education
Ed. Code 52060-52077	Local control and accountability plan
Ed. Code 52300-52499.66	Career technical education
Ed. Code 52519-52520	Adult education; occupational training
Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies; green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
Ed. Code 66205.5-66205.9	Approval of career technical education courses for admission to California colleges
Ed. Code 8006-8155	Career technical education
Ed. Code 88500-88551	Community college economic and workforce development program
Gov. Code 54950-54963	The Ralph M. Brown Act
Lab. Code 3070-3099.5	Apprenticeships
Lab. Code 3110-3112.1	Apprenticeship Innovation Funding Program
Lab. Code 3120-3122.4	Youth Apprenticeship

Federal References

20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
20 USC 6301-6578	Improving the Academic Achievement of the Disadvantaged - https://simbli.eboardsolutions.com/SU/uBgrPnE4ZTLKuykA3OndJw==
34 CFR 100	Appendix B Guidelines for eliminating discrimination in career technical education programs
34 CFR 104.1-104.39	Section 504 of the Rehabilitation Act of 1973
34 CFR 106.1-106.61	Discrimination on the basis of sex, effectuating Title IX

Management Resources References

California Department of Education Publication	California Career Technical Education Model Curriculum Standards, Grades Seven Through Twelve, January 2013
California Department of Education Publication	Career Technical Education Framework for California Public Schools, Grades Seven Through Twelve, January 2007
California Department of Education Publication	Multiple Pathways to Student Success: Envisioning the New California High School, 2010
CSBA Publication	The Linked Learning Approach to High School Reform, Governance Brief, January 2014
CSBA Publication	A Governance Perspective: Interviews with School Board Members from the Nine Linked Learning Initiative School Districts, March 2014

Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	U.S. Department of Education, Office of Vocational and Adult Education - https://simbli.eboardsolutions.com/SU/KuFNXqUtDnSwVVyc3V8IWQ==
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Website	California Department of Employment Development - https://simbli.eboardsolutions.com/SU/hmvLawVOABCNaBPAnCxKxw==
Website	California Workforce Development Board - https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdslshDSuA==
Website	Association for Career and Technical Education - https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdohEEkqSaFQ==
Website	California Association of Regional Occupational Centers and Programs - https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqlI7xnA==
Website	California Career Resource Network - https://simbli.eboardsolutions.com/SU/aiMKC0wlc2eTMogaBMcl9g==
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Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/ZGZh717ATfHJBQP13Jplus7cw==
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5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==
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6020	Parent Involvement - https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==
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6141	Curriculum Development And Evaluation - https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==
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6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==
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Policy 6200: Adult Education

Status: ADOPTED

Original Adopted Date: 06/01/1997 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

CSBA NOTE: The following policy is for use by any high school district or unified school district that maintains an adult education school or program or that participates in a program offered by the county office of education.

Education Code 84900-84920 establish the Adult Education Program to provide adult education services through a regional consortium of school districts, county offices of education, community college districts, and joint powers authorities consisting of those entities. Other funding for adult education may be available through local control funding formula apportionments, California Work Opportunity and Responsibility to Kids (CalWORKs) funds for education and job training (Welfare and Institutions Code 11320-11329.5), the federal Workforce Innovation and Opportunity Act (29 USC 3101-3255), Adult Education and Literacy Act (29 USC 3271-3333), and/or Strengthening Career and Technical Education for the 21st Century Act (20 USC 2301-2414). Pursuant to Education Code 41976, as amended by AB 486 (Ch. 666, Statutes of 2021), funds allocated through the Adult Education Program may only be used in accordance with law and as specified in the accompanying administrative regulation. The district may revise the following policy to reflect requirements of the program(s) it offers.

The Governing Board believes that education is a lifelong endeavor and that it is important for individuals to continuously develop new skills necessary to participate effectively as citizens, workers, parents/guardians, and family and community members. Eligible adults shall be offered opportunities to enroll in programs and courses that develop academic and workforce skills and, as appropriate, lead to completion of requirements for high school graduation.

CSBA NOTE: Education Code 51056 and 52515 require approval by the California Department of Education (CDE) of courses offered in adult education programs. For further information regarding course approval see the accompanying administrative regulation and CDE's web site.

The Superintendent or designee shall recommend, for approval by the Board and the California Department of Education, courses to be offered through the district's adult education program.

Adult education classes may be offered any day or evening, including weekends, for such length of time during the school year as determined by the Board. (Education Code 52505)

CSBA NOTE: Classes organized primarily for adults may be taught by holders of the designated subjects adult teaching credential pursuant to Education Code 44260.2-44260.3. See the Commission on Teacher Credentialing's web site for further information and credential requirements.

The Superintendent or designee shall ensure that all teachers of adult education classes possess an appropriate credential issued by the Commission on Teacher Credentialing and have access to high-quality professional development to continuously enhance their knowledge and skills.

CSBA NOTE: Education Code 52620 permits the Governing Board to authorize an adult education student pursuing a high school diploma or a high school equivalency certificate to enroll as a special part-time student at a community college.

Upon recommendation of the administrator of the student's adult school or noncredit program of attendance, the Board may authorize an adult education student pursuing a high school diploma or a high school equivalency certificate to attend a community college during any session or term as a special part-time student. (Education Code 52620)

CSBA NOTE: Pursuant to Education Code 52508, the Board is authorized to award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program, as long as the Board has prescribed the requirements for the awarding of any such diplomas pursuant to Education Code 52509.

The Board may award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program. (Education Code 52508, 52509)

CSBA NOTE: Education Code 52509 mandates the Board of any district maintaining an adult school or program to prescribe requirements for the granting of a high school diploma. Courses required for a high school diploma in California are specified in Education Code 51225.3; see BP 6146.1 - High School Graduation Requirements. Students seeking their high school diploma through adult education must meet those course requirements.

However, the district may waive any additional district-established high school graduation requirements. Districts that have so revised their local graduation requirements for adult education students should modify the following paragraph as appropriate.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

CSBA NOTE: Pursuant to Education Code 52511, a district may contract with another district to provide adult education instruction in any of the situations specified in the following paragraph.

If the district has an adult school or classes for adults but is unable to maintain such school or classes because of an inability to secure a teacher(s) or because of a lack of facilities, the district may, with the approval of the County Superintendent of Schools and the Superintendent of Public Instruction, contract with another district for the instruction of such students. (Education Code 52511)

CSBA NOTE: The following two optional paragraphs may be used by districts that participate in the regional consortium established for purposes of the Adult Education Program pursuant to Education Code 84900-84920. Education Code 84906 requires the consortium to approve a three-year adult education plan that addresses a three-year fiscal planning cycle, and fulfills the components specified in Education Code 84906. The plan is required to be updated at least once each year based on available data.

To ensure efficient and coordinated adult education services, the district may join a regional adult education consortium. The district shall participate in the consortium's identification of the educational needs of adults in the region, identification of available funding and services, development and approval of an adult education plan pursuant to Education Code 84906, and implementation of strategies to address the identified needs, improve the effectiveness of district services, and improve students' transitions into postsecondary education and the workforce.

The district's representative to the regional adult education consortium shall be designated by the Board. (Education Code 84905)

CSBA NOTE: The following paragraph may be revised to reflect indicators of program effectiveness identified by the district and/or adult education regional consortium in which the district participates. Education Code 84920 requires the Superintendent of Public Instruction and California Community College Chancellor (CCCC) to identify common measures for determining consortium members effectiveness in meeting the educational needs of adults, which is provided for in CDE's and CCCC's, "Adult Education Block Grant (AEBG) Measures of Effectiveness". In addition, for districts participating in the federal Adult Education and Family Literacy Act, CDE requires the use of the Comprehensive Adult Student Assessment Systems (CASAS), a set of standardized assessment instruments developed by the nonprofit organization CASAS, to track the progress of adult students.

The Superintendent or designee shall regularly report to the Board on the effectiveness of the district's adult education program. This report shall include, but not be limited to, the number of adults and high school students participating in the program, student participation in each type of adult education course or class, and the extent to which students successfully completed these programs, including, as applicable, the completion of requirements for the high school diploma or certificate of equivalency.

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

State References

5 CCR 10501
5 CCR 10508
5 CCR 10530
5 CCR 10560
5 CCR 53412
5 CCR 80034
5 CCR 80034.5
5 CCR 80036-80036.4
5 CCR 80040.2-80040.2.7

Description

Adult education; definition of adult for attendance counting
Records and reports
Counseling and guidance services
Standards of administration
Minimum qualifications for instructors of noncredit courses
Teaching credentials; adult education
Adult education; substitute teachers
Requirements for designated subjects adult education credential
Programs of personalized preparation for the designated subjects adult education teaching credentialing

Ed. Code 10200	CalWORKs instructional and job training plan - https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==
Ed. Code 41975-41976.1	Adult education; authorized classes and courses
Ed. Code 44260.2-44260.3	Credential requirements; designated subjects adult education credential
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46191	Attendance for adults in correctional facilities
Ed. Code 46300.1-46300.42	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51241	Temporary two-year or permanent exemption from physical education
Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 51745	Independent study
Ed. Code 51810-51815	Community service classes
Ed. Code 52500-52523	Adult schools
Ed. Code 52540-52544	Adult English classes
Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52610-52616.18	Adult schools; finances
Ed. Code 52620	Attendance at community college as special part-time student
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes
Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education Program
Ed. Code 8500-8538	Adult education
W&I Code 11320-11329.5	CalWORKs; education and job training

Federal References

20 USC 2301-2414	Strengthening Career and Technical Education for the 21st Century Act
29 USC 3101-3255	Workforce Innovation and Opportunity Act
29 USC 3271-3333	Adult Education and Family Literacy Act

Management Resources References

California Department of Education Publication	Adult Education Block Grant (AEBG) Measures of Effectiveness
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education, Adult Education - https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVmMplusw==
Website	California Department of Industrial Relations, Division of Apprenticeship Standards - https://simbli.eboardsolutions.com/SU/bflwmgcI9A2X6bB1bsnz4g==

Website	California Council for Adult Education - https://simbli.eboardsolutions.com/SU/Espa0cpFsAr9xZVyslshqkZg==
Website	Comprehensive Adult Student Assessment Systems - https://simbli.eboardsolutions.com/SU/i4duplusM9plusOMt75lXpka2l3A==
Website	Commission on Teacher Credentialing - https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==

Cross References

Description

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0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wl0TCQ==
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3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
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5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQB68mlO84XP5vNw==
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6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==

6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==
6146.11	Alternative Credits Toward Graduation - https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==
6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTJFqvve54w==
6146.5	Elementary/Middle School Graduation Requirements - https://simbli.eboardsolutions.com/SU/fAstBYp2I21WTHslshGrKpnSQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsllshP8S2Cj02w==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWso7diDlxw9g==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==

Regulation 6200: Adult Education

Status: ADOPTED

Original Adopted Date: 06/01/1997 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

CSBA NOTE: The following administrative regulation may be revised for consistency with the adult education plan adopted by the regional consortium established for the Adult Education Program, pursuant to Education Code 84906.

Enrollment

For adult education programs, adults include persons age 18 or older and other persons not concurrently enrolled in a regular high school program. However, high school students may be concurrently enrolled in adult education under the conditions specified in the section "Concurrent Enrollment of High School Students" below. (Education Code 52523, 52610)

Adults shall have first priority for enrollment in any adult education class, provided they enroll during the regular enrollment period. (Education Code 52523)

With the exception of programs for adults with disabilities specified in Education Code 52570, adult education classes shall be located in a facility which clearly identifies attendance in the class as being open to the general public. (Education Code 52517, 52570)

Concurrent Enrollment of High School Students

High school students may be permitted to enroll in an adult education program, course, or class for sound educational purposes, including, but not limited to, the following: (Education Code 52523)

1. The adult education program, course, or class is not offered in the regular high school curriculum.
2. The student needs the adult education program, course, or class in order to make up deficient credits for graduation from high school.
3. The adult education program, course, or class allows the student to gain vocational and technical skills beyond that provided by the regular high school's vocational and technical education program.
4. The adult education program, course, or class supplements and enriches the high school student's educational experience.

CSBA NOTE: The following paragraph is optional.

High school students are expected to enroll in regular high school classes before seeking admission to any similar classes offered in the adult education program. A failed course, however, may be repeated through adult education.

Before enrolling in an adult education class, the high school student shall complete a counseling session that includes the student, the student's parent/guardian, and a certificated representative of the high school. The certificated high school representative shall ensure that the student's school record includes written documentation of the counseling session and both of the following statements: (Education Code 52500.1, 52523)

1. That the student is enrolling voluntarily in the adult education course or class
2. That the enrollment will enhance the student's progress toward meeting educational requirements for high school graduation

CSBA NOTE: The following paragraph is optional. Education Code 52500.1 does not require that the above statement be signed. However, obtaining the signature of all parties is one way to document the student's voluntary participation in the program and the high school representative's determination that the program will enhance the student's progress toward graduation.

The above statement shall be signed by the student, the student's parent/guardian, and the certificated high school representative.

Classes offered in the district's adult education program shall supplement and not supplant the regular high school curriculum. No course required by the district for high school graduation or necessary for students to maintain satisfactory academic progress shall be offered exclusively through the adult education program. (Education Code

Programs and Courses

CSBA NOTE: The following list should be revised to reflect the types of adult education programs offered by the district. Education Code 41976, as amended by AB 486 (Ch. 666, Statutes of 2022), authorizes the use of Adult Education Program funds to support the programs listed in Items #1-7 below. Local control funding formula (LCFF) and/or other district funds may be used for many of these same purposes.

The district's adult education program shall offer instruction in one or more of the following areas: (Education Code 41976)

1. Programs in elementary and secondary basic skills, including programs leading to a high school diploma or high school equivalency certificate

CSBA NOTE: Education Code 52550-52555 require establishing citizenship programs in high school districts when 25 or more persons residing in the district apply for such training, and permit such classes upon demand when there are a lesser number of applicants. Pursuant to Education Code 41976, as amended by AB 486, the course may include immigrant integration.

2. Programs for immigrants eligible for educational services in citizenship, English as a second language, workforce preparation, and immigrant integration
3. Programs that are primarily related to entry or reentry into the workforce
4. Programs that are primarily designed to develop knowledge and skills to assist elementary and secondary students to succeed academically in school
5. Programs for adults with disabilities
6. Short-term career technical education programs with high employment potential
7. Programs offering pre-apprenticeship training activities in coordination with one or more apprenticeship programs approved by the Division of Apprenticeship Standards for the occupation and geographic area.

CSBA NOTE: Education Code 52540 sets conditions for establishing English as a second language classes in high school districts when 20 or more adults residing in the district apply for such classes.

The district may also offer programs in parenting, family and consumer awareness, English as a second language, classes for older adults, home economics, and health and safety education. Such programs shall not be paid for with Adult Education Program Funds.

CSBA NOTE: Pursuant to Education Code 51056 and 52515, adult education courses must be approved by the California Department of Education (CDE). According to CDE's website, within 20 working days of receiving a request, CDE will provide electronic certification of course approval. Authorized courses are listed in the Adult Education Course Approval System (A-22) on CDE's web site.

The Superintendent or designee shall regularly submit to the California Department of Education for approval the titles of classes that have been approved by the Governing Board to be offered in any of the program areas listed above.

CSBA NOTE: The following optional paragraph is for use by districts that offer community service classes; see BP 6142.4 - Service Learning/Community Service Classes. Pursuant to Education Code 51810, the district may provide community service classes in specified subjects without the approval of CDE.

Adults may also be enrolled in community service classes offered by the district. (Education Code 51811)

All adult education programs, courses, and classes and their enrollment period shall be published in the district's catalog of adult education classes provided to the public. (Education Code 52523)

Independent Study

The Superintendent or designee may make independent study available as an instructional strategy for students enrolled in adult education as appropriate to meet their individual needs.

Student participation in independent study shall be voluntary and no student shall be required to participate. (Education Code 51747)

Fees

CSBA NOTE: Education Code 52612-52613 authorize the district to charge fees for adult education classes, with certain exceptions. The total of these fees plus revenues derived from average daily attendance must not exceed the estimated cost of all such classes. The following section should be revised to reflect district practice.

The district may require fees for enrollment in an adult education class. However, no fees shall be charged for the following adult education programs or classes: (Education Code 52612, 52613)

1. A class for which high school credit is granted, if the class is taken by an individual who does not hold a high school diploma.
2. A class in an elementary subject or a class in English as a second language or citizenship, unless the student is a nonimmigrant with an F-1 visa status. Any nonimmigrant enrolled in these classes shall be charged a fee to cover the full cost of the instruction, not to exceed actual costs. The fee shall be adopted by the Board at a regular meeting at least 90 days before the beginning of the class for which the fee is charged.

CSBA NOTE: The following paragraph is optional.

Except for those fees required by law, the payment of fees may be waived in cases of hardship at the recommendation of the Superintendent or designee.

The Board may fix a charge, not to exceed cost, for books furnished to adult education students. In lieu of fixing such charge, books may be loaned to students with the payment of a refundable deposit. (Education Code 60410)

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

State References

Description

5 CCR 10501	Adult education; definition of adult for attendance counting
5 CCR 10508	Records and reports
5 CCR 10530	Counseling and guidance services
5 CCR 10560	Standards of administration
5 CCR 53412	Minimum qualifications for instructors of noncredit courses
5 CCR 80034	Teaching credentials; adult education
5 CCR 80034.5	Adult education; substitute teachers
5 CCR 80036-80036.4	Requirements for designated subjects adult education credential
5 CCR 80040.2-80040.2.7	Programs of personalized preparation for the designated subjects adult education teaching credentialing
Ed. Code 10200	CalWORKs instructional and job training plan - https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==
Ed. Code 41975-41976.1	Adult education; authorized classes and courses
Ed. Code 44260.2-44260.3	Credential requirements; designated subjects adult education credential
Ed. Code 44865	Qualifications for independent study teachers
Ed. Code 46191	Attendance for adults in correctional facilities
Ed. Code 46300.1-46300.42	Independent study
Ed. Code 51040	Prescribed courses
Ed. Code 51056	Adult education course of study
Ed. Code 51225.3	High school graduation requirements
Ed. Code 51241	Temporary two-year or permanent exemption from physical education

Ed. Code 51246	Physical education exemptions
Ed. Code 51730-51732	Powers of governing boards (authorization for elementary summer school classes); admissions of adults and minors
Ed. Code 51745	Independent study
Ed. Code 51810-51815	Community service classes
Ed. Code 52500-52523	Adult schools
Ed. Code 52540-52544	Adult English classes
Ed. Code 52550-52556	Classes in citizenship
Ed. Code 52570-52572	Disabled adults
Ed. Code 52610-52616.18	Adult schools; finances
Ed. Code 52620	Attendance at community college as special part-time student
Ed. Code 52651-52656	Immigrant Workforce Preparation Act
Ed. Code 60410	Books for adult classes
Ed. Code 84830	Adult education consortium
Ed. Code 84900-84920	Adult Education Program
Ed. Code 8500-8538	Adult education
W&I Code 11320-11329.5	CalWORKs; education and job training

Federal References

20 USC 2301-2414
29 USC 3101-3255
29 USC 3271-3333

Description

Strengthening Career and Technical Education for the 21st Century Act
Workforce Innovation and Opportunity Act
Adult Education and Family Literacy Act

Management Resources References

California Department of Education Publication
California Department of Education Publication
Website
Website
Website
Website
Website
Website

Description

Adult Education Block Grant (AEBG) Measures of Effectiveness
Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
CSBA District and County Office of Education Legal Services - <https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>
California Department of Education, Adult Education - <https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVMmplusw==>
California Department of Industrial Relations, Division of Apprenticeship Standards - <https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==>
California Council for Adult Education - <https://simbli.eboardsolutions.com/SU/Espa0cpFsAr9xZVyslshqykZg==>
Comprehensive Adult Student Assessment Systems - <https://simbli.eboardsolutions.com/SU/i4duplusM9plusOMt75IXpka2l3A==>
Commission on Teacher Credentialing - <https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==>

Cross References

0410
0440

Description

Nondiscrimination In District Programs And Activities - <https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>
District Technology Plan - <https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wl0TCQ==>

0440	District Technology Plan - https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==
0500	Accountability - https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==
3260	Fees And Charges - https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUEXA==
3541	Transportation Routes And Services - https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==
4121	Temporary/Substitute Personnel - https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==
5148.3	Preschool/Early Childhood Education - https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==
6112	School Day - https://simbli.eboardsolutions.com/SU/05atqxQB68mlO84XP5vNw==
6112	School Day - https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==
6145.6	International Exchange - https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==
6146.1	High School Graduation Requirements - https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==
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6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==

6146.2	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjEqvve54w==
6146.5	Elementary/Middle School Graduation Requirements - https://simbli.eboardsolutions.com/SU/fAstBYp2I21WTHslshGrKpnSQ==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==
6158	Independent Study - https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==
6172.1	Concurrent Enrollment In College Classes - https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==
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6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==
6178	Career Technical Education - https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWs07diDlxw9g==
6178.2	Regional Occupational Center/Program - https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==
6184	Continuation Education - https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==

Policy 7110: Facilities Master Plan

Status: ADOPTED

Original Adopted Date: 02/01/1996 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

CSBA NOTE: The following optional policy may be revised to reflect district practice. Pursuant to the School Facility Program (Education Code 17070.10-17079.30), the State Allocation Board (SAB) and Office of Public School Construction administer state funding programs for new construction, modernization, career technical education facilities, charter school facilities, critically overcrowded school facilities, facility hardships, seismic mitigation, high performance incentives (environmentally efficient schools), joint use programs, labor compliance, overcrowding relief, emergency repairs, and deferred maintenance.

For additional information about the facilities master planning process, see CSBA's fact sheet, "Facilities Master Planning." In addition, CSBA's Facilities Planning program provides assistance with enrollment projections and/or the development of facilities master plans.

Although not required by law, the California Department of Education's (CDE) publication, "Educational Specifications: Linking Design of School Facilities to Educational Program," recommends that the district's facilities master plan be adopted by formal resolution of the Governing Board.

The Governing Board recognizes the importance of long-range planning for school facilities in order to address changes in student enrollment, teacher housing needs, and the district's educational program. The Superintendent or designee shall develop, for Board approval, a master plan for district facilities which describes the district's anticipated short- and long-term facilities needs and priorities.

Plan Development

The district's facilities master plan shall be based on an assessment of the condition and adequacy of existing facilities, a projection of future enrollments, and alignment of facilities with the district's vision for the instructional program.

To solicit broad input into the planning process, the Superintendent or designee may establish a facilities advisory committee consisting of staff, parents/guardians, and business, local government, and other community representatives. The Superintendent or designee shall ensure that the public is informed of the need for construction and modernization of facilities and of the district's plans for facilities.

At least 45 days prior to completion of any facilities plan that relates to the potential expansion of existing school sites or the necessity to acquire additional school sites, the Superintendent or designee shall notify and provide copies of the plan or any relevant and available information to the planning commission or agency of the city or county with land use jurisdiction within the district. (Government Code 65352.2)

If the city or county commission or agency requests a meeting, the Superintendent or designee shall meet with the commission or agency within 15 days following the notification. Items that the parties may discuss at the meeting include, but are not limited to, methods of coordinating planning with proposed revitalization efforts and recreation and park programs, options for new school sites, methods of maximizing the safety of persons traveling to and from the site, and opportunities for financial assistance. (Government Code 65352.2)

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. In its "Public School Construction Cost Reduction Guidelines," SAB recommends that facilities master plans be reevaluated whenever a new construction project is initiated or at intervals not exceeding five years.

The master plan shall be regularly reviewed and updated as necessary to reflect changes in the educational program, existing facilities, finances, or demographic data.

Plan Components

CSBA NOTE: CDE's publication, "Educational Specifications: Linking Design of School Facilities to Educational Program (Appendix 1)," recommends components that should be addressed in the facilities master plan. Items #1-8 below are optional and may be revised to reflect district practice.

The facilities master plan shall include:

1. A statement of purpose, including district goals, philosophy, and related policies

2. A description of the planning process
3. Demographics of the community, such as economic trends, migration patterns, employment base, residential base, socioeconomic makeup, historical school enrollments, and inventory of physical resources and needs
4. A description of the educational program, such as grade-level organization, class size, staffing patterns, technology plans, special programs and support services, and other educational specifications
5. Analysis of the safety, adequacy, and equity of existing facilities and potential for expansion, including the adequacy of classrooms, school cafeterias and food preparation areas, physical activity areas, playgrounds, parking areas, and other school grounds
6. Site selection criteria and process
7. Development of a capital planning budget and identification of potential funding sources
8. Policy for reviewing and updating the plan

Planning shall ensure that school facilities meet the following minimum standards: (5 CCR 14001)

1. Are aligned with the district's educational goals and objectives
2. Provide for maximum site enrollment at school facilities
3. Are located on a site that meets California Department of Education standards as specified in 5 CCR 14010
4. Are designed for the environmental comfort and work efficiency of the occupants
5. Are designed to require a practical minimum of maintenance
6. Are designed to meet federal, state, and local statutory requirements for structure, fire, and public safety
7. Are designed and engineered with flexibility to accommodate future need

CSBA NOTE: 5 CCR 14030 delineates detailed standards for developing plans for the design and construction of school facilities. All school districts must comply with these standards, whether a project is state funded or locally funded. Other legal requirements for facilities plans, including Education Code 16011, 16322, and 17251, vary depending on the funding source and type of project.

Pursuant to the Americans with Disabilities Act (ADA) (42 USC 12101-12213) and 28 CFR 35.150 and 35.151, district facilities must be accessible to and usable by individuals with disabilities. In achieving compliance, a district need not make structural changes to existing facilities if other methods are effective and the district can demonstrate that the structural change would result in a fundamental alteration in the nature of the activity or an undue financial or administrative burden. However, all newly constructed facilities must comply with the 2010 ADA Standards for Accessible Designs pursuant to 28 CFR 35.151. CSBA's ADA Compliance Program offers a variety of accessibility services including, but not limited to, facilities inspections and planning to transition facilities into full ADA compliance.

California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations, ("CALGreen") establishes both mandatory requirements and voluntary standards for "green" building, which apply to all new construction and are applicable to K-12 schools. CALGreen addresses five major areas: (1) planning and design, (2) energy efficiency, (3) water efficiency, (4) material conservation and resource efficiency, and (5) indoor environmental quality.

Health and Safety Code 53570-53574, The Teacher Housing Act of 2016, authorizes districts to establish and implement programs that address the housing needs of teachers and district employees facing challenges in securing affordable housing. Pursuant to Education Code 17283.5 and Government Code 4454.5, as added by AB 306 (Ch. 49, Statutes of 2021), residential housing, defined as any building used as a personal residence by a teacher or employee of a district, with the teacher's or employee's family, is specifically exempt from obtaining approval from the Department of General Services for earthquake safety (Field Act) and access by persons with disabilities.

Plans for the design and construction of new school facilities shall also meet the standards described in 5 CCR

14030, the California Green Building Standards Code, Title 24, Part 11 of the California Code of Regulations ("CALGreen"), the Americans with Disabilities Act (ADA) pursuant to 42 USC 12101-12213, and any other requirements applicable to the funding source and type of project.

However, plans for residential housing, which includes any building used or intended to be used by the district as a personal residence by a teacher or employee of the district, is not considered to be a "school building" and does not require approval by the Department of General Services regarding earthquake safety and/or the ADA. (Education Code 17283.5; Government Code 4454.5)

CSBA NOTE: Subject to the availability of funds, districts may apply pursuant to Education Code 17077.40-17077.45 to fund joint use projects which are part of (1) a qualifying new construction project that will either increase the size and/or create extra costs beyond that necessary for school use of the multipurpose room, gymnasium, child care facility, library, or teacher education facility; or (2) a modernization project or a stand-alone project to provide for a multipurpose room, gymnasium, child care facility, library, or teacher education facility at a school that does not have the type of facility needed or has an inadequate facility.

To facilitate the efficient use of public resources when planning for new construction or modernization of school facilities, the district may consider designs that facilitate joint use of the facility with a local governmental agency, public postsecondary institution, or nonprofit organization.

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

State References

Description

2 CCR 1859-1859.199	Leroy F. Greene School Facilities Act - https://simbli.eboardsolutions.com/SU/nuvesXH7Af1QqDOmGTa3wA==
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14010	Procedure for site acquisition
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Ed. Code 16011	Long-range comprehensive master plan - https://simbli.eboardsolutions.com/SU/inBIFylkCBWVwIUslshOCxSAA==
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Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
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Policy 7150: Site Selection And Development

Status: ADOPTED

Original Adopted Date: 02/01/1999 | **Last Revised Date:** 09/01/2022 | **Last Reviewed Date:** 09/01/2022

CSBA NOTE: Education Code 17070.10-17077.10 sets forth eligibility requirements for the receipt of state facilities funds under the Leroy F. Greene School Facilities Act of 1998 (Proposition 1A). As a condition for receipt of the funds, Education Code 17070.50 requires districts to obtain written approval from the California Department of Education (CDE) and certify to the State Allocation Board that the district's site selection and building plans comply with the regulations developed by CDE, pursuant to Education Code 17251(b) and (c). In addition, Education Code 17070.50 requires the district to certify that the services of an architect, a structural engineer, or other design professional has been selected using a competitive process consistent with Government Code 4526. See BP/AR 7140 - Architectural and Engineering Services.

The Governing Board believes that a school site should serve the district's educational needs in accordance with the district's master plan, as well as show potential for contributing to other community needs.

The Board recognizes the importance of community input in the site selection process. To this end, the Board will solicit community input whenever a school site is to be selected and shall provide public notice and hold public hearings in accordance with law.

The Superintendent or designee shall establish a site selection process which complies with law and ensures that the best possible sites are acquired and developed in a cost-effective manner.

CSBA NOTE: Pursuant to Education Code 17211, districts are required to ensure that property acquired for a new school or an addition to an existing school site meets standards for school site selection as specified in 5 CCR 14010-14012.

Before acquiring property for a new school or an addition to an existing school site, the Board, at a public hearing, shall either evaluate the property using state site selection standards specified in 5 CCR 14010 or, if a district advisory committee was appointed to evaluate the property, receive the committee's report of findings based on those standards. (Education Code 17211, 17251)

Environmental Impact Investigation for the Site Selection Process

CSBA NOTE: Pursuant to Public Resources Code 21082, districts are mandated to adopt procedures for the evaluation of all projects (beyond just site selection) and the preparation of environmental impact reports and negative declarations required under the California Environmental Quality Act (CEQA). In order to satisfy this mandate, the district may either (1) adopt the actual CEQA guidelines, as applicable, as its own procedure, (2) adopt the county or city guidelines, (3) or develop its own procedure. In most cases, the district's environmental investigation will conclude with a simultaneous public review of both the environmental documentation and, if applicable, the Department of Toxic Substance Control (DTSC) documents.

Pursuant to Public Resources Code 21092 and 21092.2, as amended by AB 819 (Ch. 97, Statutes of 2021), when CEQA requires a draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration (environmental review documents), the district is required to post on its web site those environmental review documents, and public notice of the preparation and availability of such documents. The district must email specified notices when written requests for notices have been filed. See Exhibit 1113-District and School Web Sites and the accompanying administrative regulation.

The following paragraph provides for the use of CEQA guidelines for the evaluation of all projects, including site selection. Districts that have adopted the city/county guidelines or their own procedure should modify the paragraph accordingly.

The Superintendent or designee shall determine whether any proposed development project is subject to the requirements of the California Environmental Quality Act (CEQA) and shall ensure compliance with this Act, including any web site posting requirements. When evaluating district projects, the CEQA guidelines shall be used.

Environmental review documents, including a draft environmental impact report, environmental impact report, negative declaration or mitigated negative declaration, and public notice of the preparation and availability of such documents, shall be posted on the district's web site. (Public Resources Code 21082.1, 21092, 21092.2)

Agricultural Land

CSBA NOTE: In 82 Ops.Cal.Atty.Gen. 130 (1999), the Attorney General opined that a district may construct a school on land designated by a county ordinance for "agricultural, open space or rural land use." However, the Board must, by a two-thirds vote pursuant to Government Code 53094, render the ordinance inapplicable to the proposed use of the property. See 9323.2 - Actions by the Board. The exemption can be blocked only by a court determination that the action was "arbitrary and capricious."

If the proposed site is in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the Board shall determine all of the following: (Education Code 17215.5)

1. That the district has notified and consulted with the city, county, or city and county within which the prospective site is to be located
2. That the Board has evaluated the final site selection based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land
3. That the district shall attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect students and employees at the site

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

State References	Description
14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	California Department of Education: school facilities construction
CCP 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	Definition of self-certifying district - https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==
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Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition

H&S Code 44360
Pub. Res. Code 21000-21177

Risk assessment
California Environmental Quality Act of 1970

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California Department of Education, School Site Selection and Approval Guide -
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Regulation 7150: Site Selection And Development

Status: ADOPTED

Original Adopted Date: 11/01/2000 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

As part of the district's site selection process, the Superintendent or designee shall:

1. Meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code 35275)
2. Notify the appropriate local planning agency in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan. (Government Code 65402; Public Resources Code 21151.2)
3. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code 17212-17212.5)

CSBA NOTE: Education Code 17212.2 authorizes the district to request information from the following entities in order to evaluate the safety of a proposed site.

4. Make a written request for information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code 17212.2, 17251)
5. Ensure that the site meets state standards for school site selection as specified in 5 CCR 14010-14012.

CSBA NOTE: Pursuant to Public Resources Code 21092, 21092.2, 21092.3, and 21152, as amended by AB 819 (Ch. 97, Statutes of 2021), districts are required to (1) post specified notices to the district's web site, (2) submit a notice of determination or notice of exemption with the county clerk electronically, if that option is offered by the county clerk, and (3) file an environmental notice with the Office of Planning and Research using their online process.

6. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law, including posting required notices to the district web site. (Public Resources Code 21000-21177)
7. Notify the California Department of Education in writing before acquiring title or leasing the site if the proposed site is within two miles of the air line of an airport runway or proposed runway. (Education Code 17215)
8. Conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 if the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)

CSBA NOTE: Both a Phase I environmental assessment and a preliminary endangerment assessment, if necessary, must be conducted pursuant to Education Code 17213.1 to determine whether a release of hazardous materials has occurred, as provided in Item #1 below. The district must submit these documents to CDE and the Department of Toxic Substance Control (DTSC) for review. If hazardous substances are disclosed, Education Code 17213.1 authorizes DTSC to order the district to complete certain "response actions" prior to securing state funding.

In the selection and development of projects funded pursuant to the School Facilities Program of 1998 (Proposition 1A) as contained in Education Code 17070.10-17077.10, the Superintendent or designee shall:

1. Determine whether the proposed site is free of toxic contamination by ensuring that a Phase I environmental assessment and/or preliminary endangerment assessment is conducted as required by law (Education Code 17213.1)

The Superintendent or designee shall ensure that the preliminary endangerment assessment is made available for public review and comment in accordance with Education Code 17213.1.

2. Submit an annual summary report of expenditures to the State Allocation Board in accordance with law (Education Code 17076.10)
3. Include in the plans a hard-wired connection to a public switched telephone network or utilization of wireless technology (Education Code 17077.10)

CSBA NOTE: The Office of Public School Construction recommends that districts consult with legal counsel to ensure compliance with the disabled veteran provisions of Item #4 below.

4. Establish a participation goal of at least three percent, per year, of the overall dollar amount expended each year by the district for disabled veteran business enterprises (Education Code 17076.11)

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

State References

State References	Description
14 CCR 15000-15285	Implementation of California Environmental Quality Act of 1970
5 CCR 14001-14036	California Department of Education: school facilities construction
CCP 1263.710-1263.770	Remediation of hazardous substances on property to be acquired by school district
Ed. Code 17006	Definition of self-certifying district - https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==
Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building - https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJslshxw==
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998 - https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==
Ed. Code 17210-17224	School Sites; general provisions - https://simbli.eboardsolutions.com/SU/ur7JgL2vMeIWTCc3SCXTPA==
Ed. Code 17240-17245	New Schools Relief Act - https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==
Ed. Code 17250.10-17250.55	Design-build contracts - https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==
Ed. Code 17260-17268	Plans and specifications for school facilities - https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

Management Resources References

Management Resources References	Description
Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)

Website	Governor's Office of Planning and Research - https://simbli.eboardsolutions.com/SU/MvslshHMG1znUbWW5UoFHTJqQ==
Website	Department of Toxic Substances Control - https://simbli.eboardsolutions.com/SU/POmXdiUm5t3RqP4HNX5AFA==
Website	California Department of Education, School Site Selection and Approval Guide - https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSI3WgZk3FBYig==
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslshXk6R5akQ==
Website	Department of General Services, Office of Public School Construction - https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==
Website	California Department of Education, School Facilities - https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFeslshYA==

Cross References

Description

1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FOKNZRBtrSjA==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/ZEOw4ZKHcT3nfqLxRTR1fw==
1113-E(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTIsM6ew==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCOuqWB54wfA==
1220	Citizen Advisory Committees - https://simbli.eboardsolutions.com/SU/WXKjOn8KOplusMplZpTd3ujpQ==
1330.1	Joint Use Agreements - https://simbli.eboardsolutions.com/SU/MApP1vZuzplus4Gqg6jSyK5KQ==
3311.2	Lease-Leaseback Contracts - https://simbli.eboardsolutions.com/SU/l8QSNdaRV09ZFslshUu78sxOA==
3510	Green School Operations - https://simbli.eboardsolutions.com/SU/K0GKzAB8i2S6wgjllPFfUw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==
5142.2	Safe Routes To School Program - https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QFYP8IA==
5142.2	Safe Routes To School Program - https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==
7000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ks8contg==
7110	Facilities Master Plan - https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOW==
7131	Relations With Local Agencies - https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLlslslshg==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTpJ4pKRQ==
7140	Architectural And Engineering Services - https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==
7210	Facilities Financing - https://simbli.eboardsolutions.com/SU/MIGIRHTERsKW9LuyR0bsDw==

9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFfduR9FE4g==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u1713Zp1VbXkw==
9323.2-E PDF(2)	Actions By The Board - https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGbplusWWQ==

Bylaw 9100: Organization

Status: ADOPTED

Original Adopted Date: 09/01/1992 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

CSBA NOTE: Pursuant to Education Code 35143, as amended by AB 486 (Ch. 666, Statutes of 2021), the Governing Board is required to set and hold an annual organizational meeting, in the manner described below, prior to the end of each calendar year. If the Board fails to select a day and time for the meeting, the County Superintendent of Schools must designate and notify all Board members and members-elect of the day and time of the meeting. A city board of education whose members are elected in accordance with a city charter may, by a rule of its board, establish a different timeline for setting the annual meeting and revise the following paragraph accordingly.

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within 15 days following the second Friday in December after the regular election. During all other years, the meeting may be held on any date in December, but no later than December 20th. (Education Code 35143)

CSBA NOTE: Unless otherwise provided by rule of the Board, the following paragraph is required pursuant to Education Code 35143, as amended by AB 486.

During any year in which a regular election is conducted, the Board, at the regular meeting held immediately prior to the second Friday in December, shall select the day and time of the organizational meeting. For any other year, the day and time of the organizational meeting shall be selected at the last regular meeting held immediately before the annual meeting. On behalf of the Board, the Superintendent shall notify the County Superintendent of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the Superintendent shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

CSBA NOTE: The following items should be modified to reflect district practice. Education Code 35022 requires all boards with five or more members to elect a president. Education Code 35143 requires the election of a clerk and a president for high school, union high school, and joint union high school districts. City boards of education are required to elect only a president or a president and vice president, and all other types of districts are required to elect a clerk. For more information about election of officers, see the section "Election of Officers" below.

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent as secretary to the Board
3. Authorize signatures

CSBA NOTE: Item #4 below promotes the adoption of a Board calendar to ensure the scheduling of important governance matters such as evaluation of the Superintendent, Board self-evaluation, budget meetings, goal setting, and policy and program reviews.

4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

CSBA NOTE: Item #6 below is recommended by CSBA through its governance trainings, including the Masters in Governance program.

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

Election of Officers

CSBA NOTE: Option 1 below is for districts that rotate offices so that each Board member has the opportunity to become president, while Option 2 is for districts that each year elect their entire slate of officers. The following options should be revised to reflect the sequence of offices used in the district.

OPTION 1: The Board shall each year elect one of its members to be (clerk)/(vice president). This member shall be

one who previously has not served in office, unless all the Board's members have previously served in office. After serving one year as (clerk)/(vice president), the elected member shall serve one year as president of the Board.

OPTION 1 ENDS HERE

OPTION 2: The Board shall each year elect its entire slate of officers.

OPTION 2 ENDS HERE

CSBA NOTE: The following optional sentence may be used with Option 2.
No Board member shall serve more than _____ consecutive year(s) in the same office.

CSBA NOTE: The following sentence may be used by all districts regardless of the option selected above. The California Attorney General has disapproved secret ballot voting in open meetings, as well as the casting of mail ballots (68 Ops.Cal.Atty.Gen. 65, 1985). As long as they do not use secret ballots, boards may elect their officers in any way they choose.

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

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

State References

	Description
Ed. Code 35143	Annual organizational meetings; date and notice
Ed. Code 35145	Public meetings
Ed. Code 5017	Term of office
Gov. Code 54953	Meetings to be open and public; attendance

Management Resources References

	Description
Attorney General Opinion	59 Ops.Cal.Atty.Gen. 619 (1976)
Attorney General Opinion	68 Ops.Cal.Atty.Gen. 65 (1985)
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==

Cross References

	Description
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/b4QmvGoyuJpAPG4LxplusvkHQ==
9121	President - https://simbli.eboardsolutions.com/SU/9DePeFAaWu91NRZNdGXD0Q==
9123	Clerk - https://simbli.eboardsolutions.com/SU/qd29h4vh2vvJmtN56yncKQ==
9140	Board Representatives - https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==
9223	Filling Vacancies - https://simbli.eboardsolutions.com/SU/aCSlfcwxIXrZUQNe1slsheSZA==
9224	Oath Or Affirmation - https://simbli.eboardsolutions.com/SU/tKaJJ9mLslsh1HTqv3M3Bmlbw==
9230	Orientation - https://simbli.eboardsolutions.com/SU/zPgBfoLQTIvGXFVmx3IPVA==
9240	Board Training - https://simbli.eboardsolutions.com/SU/xVjnBLTBhzybPslshMDYIWDZg==

9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/kaWrYCz4ErrfMODjy8s6Fg==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/RAkJZH5h2NVGgOLslshw4BNKA==



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.2 Consideration of new employee Savannah Engle, Special Education Instructional Assistant, 1:1
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	That the board approves hire of new employee Savannah Engle, Special Education Instructional Assistant, 1:1
Approvals:	<div>Recommended By:  Matthew Morgan - Superintendent/Principal</div>



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.3 Consideration of HUSD's 2023-24 Comprehensive School Safety Plan (CSSP)
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 2022-23 Safety Plan.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	That the board approve HUSD's 2023-24 Comprehensive School Safety Plan (CSSP)
Approvals:	<div>Recommended By:  Matthew Morgan - Superintendent/Principal</div>

Comprehensive School Safety Plan SB 187 Compliance Document

**2022-23
School Year**

School: Harmony Elementary and Salmon Creek-A Charter School
CDS Code: 49707300000000
District: Harmony Union School District & Salmon Creek Charter School
Address: 1935 Bohemian Hwy
Occidental, CA 95465
Date of Adoption: February 16, 2023

Approved by:

Name	Title	Signature	Date
Matthew Morgan	Superintendent/Principal		
Yuri Koslen	President, HUSD School Board		
Stacy Kalember	Chief Business Official		

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Senate Bill 187: Comprehensive School Safety Plan Purpose

The California Education Code (sections 32280-32288) outlines the requirements of all schools operating any kindergarten and any grades 1 to 12, inclusive, to write and develop a school safety plan relevant to the needs and resources of that particular school.

In 2004, the Legislature and Governor recast and renumbered the Comprehensive School Safety Plan provisions in SB 719 and AB 115. It is the intent of the Legislature in enacting the provisions to support California public schools as they develop their mandated comprehensive safety plans that are the result of a systematic planning process, that include strategies aimed at the prevention of, and education about, potential incidents involving crime and violence on school campuses.

The historical requirement of the Comprehensive School Safety Plan was presented in Senate Bill 187, which was approved by the Governor and chaptered in 1997. This legislation contained a sunset clause that stated that this legislation would remain in effect only until January 1, 2000. Senate Bill 334 was approved and chaptered in 1999 and perpetuated this legislation under the requirement of the initial legislation.

Comprehensive School Safety Plans are required under SB 719 & AB 115 and contains the following elements:

Assessment of school crime committed on school campuses and at school-related functions

- Child abuse reporting procedures
- Disaster procedures
- Suspension and expulsion policies
- Procedures to notify teachers of dangerous pupils
- Discrimination and harassment policies
- School wide dress code policies
- Procedures for safe ingress and egress
- Policies enacted to maintain a safe and orderly environment
- Rules and procedures on school discipline
- Hate crime reporting procedures

The Comprehensive School Safety Plan will be reviewed and updated by March 1st every year. In July of every year, the school will report on the status of its school safety plan including a description of its key elements in the annual school accountability report card.

A copy of the Comprehensive School Safety Plan is available for review at the school Website (www.harmonyusd.org).

Safety Plan Vision

Harmony Union School District is here to provide for the academic, social, and emotional growth of children in a challenging, creative and safe environment. Harmony Union School District (HUSD) will empower students to become life-long learners able to make informed decisions, become productive citizens, and responsible stewards of the environment.

In order for HUSD to fulfill our mission we must provide a safe school and define what this means. In creating and developing this plan, "Safe Schools: A Planning Guide for Action" provided by California State Department of Education was used. This document states, "Safe schools are orderly and purposeful places where students and staff are free to learn and teach without the threat of physical violence or psychological harm. They are characterized by sensitivity and respect for all individuals, an environment of nonviolence, clear behavioral expectations, disciplinary policies that are consistently and fairly administered, students' affiliation and bonding to the school, support and recognition for positive behavior, and a sense of community on the school campus. Safe schools also are characterized by proactive security procedures, established emergency response plans, timely maintenance, cleanliness, and a nice appliance of the campus and classrooms."

It is the right of all students to attend campuses which are safe, secure, and peaceful (California Constitution, Article 1, Section 28 (c): Right to Safe Schools).

Components of the Comprehensive School Safety Plan (EC 32281)

Harmony Elementary and Salmon Creek-A Charter School Safety Committee

Allison Rogers, Paraeducator Instructional Assistant
Deborah Larramendy, Paraeducator Special Education Assistant
Francisco Canela, Head Custodian
Missy Calvi, Data Systems Technician
Stacy Kalember, Chief Business Official
Suzi Heron, Office Manager
Tami Furlong, Paraeducator Instructional Assistant

Assessment of School Safety

HUSD is a public elementary school and a converted public charter school. Harmony Elementary and Salmon Creek-A Charter School share the campus and we run seamlessly as a TK-8th grade school (TK-1st is Harmony Elementary and 2nd-8th is Salmon Creek-A Charter School).

HUSD is generally a safe environment. There may be some minor student to student incidents which are handled per the discipline plan. Disciplinary actions are recorded in the District's School Information System. Incidents are searchable by appropriate school and district personnel by category and student. In addition, on a rare occasion, there are incidents of vandalism or theft reported. In the event of vandalism or theft administration evaluates and analyzes these incidents and implements plans to make the school safer. They are also reported to the County Sheriff and the District's insurance company, Redwood Empire School Insurance Group (RESIG), which offers a reward for information leading to the arrest and conviction of the perpetrators.

Strategies and Programs to Provide and Maintain a High Level of Safety (EC 32281(a)1, items A-J)

HUSD is committed to providing and maintaining a high level of safety. As a staff, we evaluate safety drills, implement optimal safe learning environments, and communicate often regarding any "safety" concerns. HUSD also has a safety committee that meets at least three times a year to review and evaluate HUSD's commitment to safety.

(A) Child Abuse Reporting Procedures (EC 35294.2 [a] [2]; PC 11166)

Child abuse reporting procedures:

All school staff actively monitor the safety and welfare of all students and all school district employees are mandated reporters. Staff members understand their responsibility as childcare custodians and immediately report all cases of known and suspected child abuse to Child Protective Services and the Superintendent-Principal.

Child abuse must be reported when one who is a legally mandated reporter "...has knowledge of or observes a child in their professional capacity, or within the scope of their employment whom he or she knows or reasonably suspects has been the victim of child abuse or neglect..." (PC 11166[a]). "Reasonable suspicion" occurs when "it is objectively reasonable for a person to entertain such a suspicion based upon facts that could cause a reasonable person in a like position, drawing when appropriate on their training and experience, to suspect child abuse" (PC 11166[a][1]). Although wordy, the intent of this definition is clear: if you suspect, report.

Reports must be made immediately, or as soon as practically possible, by phone. A written report must be forwarded within 36 hours of receiving the information regarding the incident (PC 11166[a]). The written report must be submitted on a Department of Justice form (SS 8572), which can be obtained in the school office or at www.ag.ca.gov/childabuse.

Optimal Procedure:

When a case of child abuse becomes apparent or is suspected, the employee having knowledge of the abuse and the school administrator discuss the matter. Plans are developed at this time to report the abuse to the police department and to Child Protective Services immediately, by phone, and to complete a written "Suspected Child Abuse Report" as soon as possible but no later than the required 36 hours. Plans are developed to assure ongoing monitoring of the student. School staff members work closely with police and Child Protective Services with follow up actions as needed. Considerable effort is made to maintain the confidentiality of the student and employee in all cases of child abuse reporting. Copies of all written reports are maintained in the school office.

Employee Training Intention and Goal:

To assure that school staff members have adequate training, annual training sessions regarding child abuse reporting responsibilities are provided by the district. All school employees participate in this training, first upon initial hire and later each August. Sometimes the training is provided via the CDE on-line training module. Other times, the district will provide the training using child abuse experts or Target Solutions, an online training provided by RESIG. Written descriptions of reporting requirements and disclosure of employee confidentiality rights are also provided as part of this training. All employees are required to sign off that they understand their responsibilities in child abuse reporting. For the safety of all employees and students, annual training is held in a variety of safety and emergency preparedness issues, including child abuse reporting, Blood Borne Pathogens, Schools Emergency Management System training, SB 198 Safety in the Workplace, and Anaphylactic Shock and Severe Allergic Reactions, first aid and CPR required of all employees.

Indicators of Abuse:

Behavior Indicators of Abused Children:

Fearful or physical contact initiated by an adult Constantly alert for danger in the environment Anxious, depressed, self-destructive and aggressive Overactive, hostile
Enduring life as if in a dangerous world
Fighting back by refusing food, bed-wetting, truancy, fire setting, and withdrawal.

Behavioral Indicators of Neglected Children:

Habitually truant Tired, lethargic, listless
Hostile, aggressive, disruptive, destructive

Physical Indicators of Abused or Neglected Children

Appearance: Undernourished (or obese), unclean, poorly clothed, poor dental care General depressed demeanor, as if uncared for

Behavioral Indicators of Sexually Abused Children

Overly sophisticated, seductive, promiscuous, or run-away Withdrawal, fantasy, infantile behavior General depressed demeanor

Physical Indicators of Sexually Abused Children Venereal disease, genital pain, itching

Physical trauma bruises, bleeding in genital or anal area Difficulty in walking or sitting

(B) Disaster Procedures (EC 35295-35297; GC 8607 and 3100)

Disaster Plan (See Appendix C-F)

Public Employees are Disaster Service Workers

Under Government Code 3100, all school personnel are Disaster Service Workers:

Staff is required to assist as needed throughout the disaster until they are released by Emergency Command Center personnel.

During a declared disaster, school employees are required by law to serve as disaster service workers and cannot leave their school site until formally released.

- Certificated employees risk losing their teaching credentials
- Classified employees may be charged with a misdemeanor
- Develop a plan with your family with this in mind.

SEMS: STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

SEMS is a standardized approach to emergency management in California using several key concepts:

- 1) A management tool called the Incident Command System (ICS);
- 2) Mutual aid systems in which similar organizations assist each other in emergencies; and
- 3) Multiple agency coordination under which diverse organizations work together and communicate with each other.

WHY USE SEMS?

To qualify to receive State reimbursement

To improve coordination between response agencies

To coordinate flow of information and resources

To improve mobilization, use and tracking of resources

WHAT ARE THE ELEMENTS OF SEMS Key Components:

Incident Command System (ICS) is primary

Multi-Agency Coordination System

Master Mutual Aid System

Operational Areas

OASIS

There are SIX levels of Communication:

State Level

Regional Level (Coastal Region)

Op Area Level (County)

SCOE for Information Coordination

School District Level

School Site Level

Key Functions:

MANAGEMENT/COMMAND OPERATIONS

NIMS: NATIONAL INCIDENT MANAGEMENT SYSTEM

NIMS is a comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines. The intent is to:

Be applicable across a full spectrum of potential incidents and hazard scenarios, regardless of size or complexity.

Use an ALL-HAZARDS approach.

Improve coordination and cooperation between public and private entities.

WHY USE NIMS

To qualify to receive Federal preparedness and response grants

To provide a coordinated response

To standardize domestic incident response that reaches across all levels of government and all response agencies

WHAT ARE THE ELEMENTS OF NIMS

Key Components:

Command and Management

Preparedness

Resource Management

Communications and Information Management

Supporting Technologies

Ongoing Management and Maintenance

Key Organizational Structures:

ICS - Incident Command System
Multi-Agency Coordination System
Public Information Systems

Key Functions:

Planning/Intelligence Logistics
Finance/Administration
Management/Command Operations
Planning/Intelligence Logistics

The district maintains a disaster plan and emergency procedures that are updated annually. In addition, regular fire drills, earthquake drills, school-wide disaster evacuation drills, and lockdown drills are conducted at least once each year. Typically there is a safety drill practiced every month. When available, the local fire protection agency evaluates the evacuation drills and provides feedback regarding emergency planning. Every other year, the district offers training in CPR and first aid to all district employees in addition to annual mandatory training in child abuse reporting, Blood Borne Pathogens, Schools Emergency Management System training, SB 198 Safety in the Workplace, and Anaphylactic Shock, Narcan and Severe Allergic Reactions. Emergency water and supplies are maintained on the school site and emergency supplies are kept in a secure centralized location away from any objects that might obscure access during a disaster. Each classroom and workstation has a first aid kit and a disaster bucket.

RESIG's Quick Response Guide:

Earthquake: Drop, Cover, Hold On: If Inside:

Drop to the floor and move away from the windows
Move under the closest piece of sturdy furniture
Hold on to the furniture. Place your free hand over the back of your neck
Stay under the furniture until the shaking has stopped

If Outside:

Move away from buildings, trees and wires, and drop to the ground. Cover the back of your neck with your arms and hands
Wait for direction from administration

Evacuation:

Grab emergency supplies
Escort students to evacuation site
Take roll, record names of missing students
Display Green Card: if all are present and un-injured
Display Red Card: To indicate that there are missing or injured students or staff from your room
Wait for direction from administration and/or responders

Lockdown:

Shut and lock doors and all windows
Pull draperies or close blinds and blacken any doorway windows
Do NOT open the door for anyone or peek out of the windows
Move students and staff out of the line of sight, away from windows staying low and quiet. Take roll, record names of missing students
Turn off lights. Silence cell phones
Wait for a communicate of "all clear" or you are escorted out by Fire or Law

Shelter-in-place

Shut and lock all doors and windows
Pull draperies or close blinds
Seal doors and windows if directed
Take roll or record names of those in the room
If outdoors, move to nearest building
Wait for a communication of "all clear"

Active Shooter: Run, Hide, Fight

Run: Locate threat and run away from it, know escape routes, leave belongings, keep hands visible for law enforcement

Hide: Lock and barricade doors, cover windows, close blinds, stay low to the ground, spread out if possible, be quiet; silence cell phones

Fight: Be prepared to fight, improvise a weapon, create distractions (yell, make trip hazards, throw items, turn off lights, blast fire extinguisher)

Public Agency Use of School Buildings for Emergency Shelters

School facilities may be used for emergency shelters after school responsibilities to students have been discharged and school personnel could be asked to assist. All school employees are considered disaster service workers when:

- A local emergency has been proclaimed
- A state emergency has been proclaimed
- A federal disaster declaration has been made

In the event of an emergency the Red Cross association has authority to use the campus as an emergency shelter.

(C) School Suspension, Expulsion and Mandatory Expulsion Guidelines

Policies Regarding Actions that Would Lead to Suspension and/or Expulsion:

Student behavior management is conducted in a manner consistent with federal law, the Education Code of California, governing board policies, and district administrative rules and regulations. With regard to student discipline, school staff members adhere to the procedures set forth in the HUSD Student/Parent Information Handbook.

It is the intent of the governing board to maintain a safe learning environment for all students. Pupils attending HUSD are expected to conform to the regulations described in California State Education Code 48900 a-o and in Board Policy 5141.41. These policies are outlined in the district Student/Parent Information Handbook. Each year, these expectations are reviewed with students and students and their parents sign an agreement to follow the expectations defined in these documents.

When suspension is necessary, due process is followed. Prior to suspending a student, a school conference is held with the student and the school official who administers the suspension (the Superintendent-Principal or designee, unless the suspension is administered by the teacher) to discuss that student's offense (except in cases when the student is not available). Parents are notified of the offense and the suspension in a timely manner after the decision is made to suspend the student. If necessary, a principal's conference may be scheduled before the end of the suspension period to discuss terms of returning to school with a behavior contract or to consider any further disciplinary action. When suspensions involve special education students, administrators adhere to IDEA guidelines regarding student discipline.

In cases in which the governing board has adopted a zero tolerance policy and expulsions are required, due process is again maintained. Following a referral to expel a student, a disciplinary hearing is held to review the case. Parents are notified of the hearing and invited to attend. At the hearing, both the student and the Superintendent-Principal or designee present information relevant to the case. A disciplinary panel, which includes the district superintendent, a Safe Schools representative from the County Safe School or SARB program, and an administrator from another school district, reviews the case and makes a recommendation to the governing board. The parent is invited to present information in closed session at the governing board hearing. In cases involving special education students, a manifestation determination is held prior to the disciplinary hearing. Prior to the school board hearing, an IEP meeting is convened to address any placement changes occurring as a result of the disciplinary hearing.

The governing board further authorizes school officials to inspect school property and search students, desks, and/or personal property. School administrators must have reasonable suspicion that a student is violating or has violated a school rule, regulation, or statute. The scope of the search must be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Procedures used in conducting the searches are set forth in district policy. Frequently, police officers assist school officials in conducting searches and interrogations.

(D) Procedures to Notify Teachers of Dangerous Pupils (EC 49079)

As students enroll in the district, the school office manager contacts the previous school for information about student behavior and academic progress. When cumulative records arrive at the school, office managers provide teachers and administration with the cumulative folders for review. For students who are already enrolled in the school district, previous grade teacher provides information to the next grade level teacher. This information is about student behavior, academic progress, and any other information relevant to student performance.

To notify teachers of suspension as they occur during the school year, the office manager or administrator provides the teacher with a copy of the completed suspension form when the student is suspended or with verbal notification.

If/when the district receives information from the juvenile court system that a student has been convicted of a serious or violent crime requiring teacher notification, the teachers are provided with a written notice from the Superintendent-Principal. Copies of this notice are maintained in the school office and the district office. The law requires that subsequent teachers be informed when they have students who have been suspended for certain infractions of Ed. Code 48900. A form is used for this purpose.

(E) Sexual Harassment Policies (EC 212.6 [b])

Discrimination and Sexual harassment Prohibited:

Discrimination against any student or employee and/or sexual harassment of any student or employee by another person is prohibited. The district updates annually and distributes to all employees and parents the policies prohibiting student-to-student sexual harassment and distributes to all employees policies prohibiting employee to employee sexual harassment.

Staff members are instructed about the definition of sexual harassment and reporting procedures. Students are directed to immediately report incidents of harassment, sexual or otherwise, to an adult (parent, teacher, instructional assistant, or administrator). All reports are thoroughly investigated in a timely manner. A school administrator will determine an appropriate course of action for each complaint.

Actions may include the following:

1. Conflict resolution and discussions among the parties involved, when appropriate.
2. Student counseling and education, when appropriate.
3. A report to the police or Child Protective Services as appropriate or required by law.
4. Student disciplinary actions which may include the range of consequences in the discipline plan, including suspension, placing on a behavior contract, other appropriate means of corrections, or a recommendation for expulsion.
5. Employee disciplinary action as described in policy, State law, and Ed. Code.

District policy and State law related to sexual harassment of students or employees requires the following:

1. Posting the district's sexual harassment policy in a prominent location at each school.
2. Notifying the staff, students, and parents of the sexual harassment policy each school year or at the time of enrollment.
3. Including notification of the sexual harassment policy as part of any orientation materials or programs for new students or employees as they enroll or are hired.
4. Including the sexual harassment policy in school and district publications
5. Taking appropriate administrative actions to reinforce the district policy by providing staff in-service and student instruction and/or counseling.
6. Directing that teacher-led discussion be conducted on this policy with students in "age- appropriate ways" and assuring students in that discussion that they need not endure any form of sexual harassment.

Students and/or their parents and employees can use the District's Uniform Complaint Procedure to file a formal complaint of sexual harassment or they can use the form specific to sexual harassment complaints.

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or causes a substantial disruption to the educational program.

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender expression or with their religious or cultural observance.

In addition, the dress code shall not discriminate against students based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Education Code 212.1)

The Superintendent-Principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the district's dress code may result in disciplinary action.

(F) School-wide Dress Code Relating to Gang-Related Apparel (EC 35183)

The Superintendent-Principal, staff, and parents/guardians at a school may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed dress code shall be presented to the Board, which shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy may be included in the school's comprehensive safety plan. (Education Code 35183)

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

(G) Procedure for Safe Ingress and Egress of Pupils, Parents, and Staff to and from School (EC 35294.2)

Procedures for the Safe Ingress and Egress of Pupils:

The HUSD Student/Parent Handbook defines procedures for safe ingress and egress of pupils as well as details regarding the nature and hours of campus supervision. Parents are informed of procedures for student drop-off and pick-up. Also, safety procedures and expectations are described for those students who ride the bus, walk to and from school, or are picked-up/dropped-off at school by a parent/guardian. The District's website provides safety reminders and expectations.

During the school day, student safety is ensured by a constant monitoring of where students are through walkie-talkies and clearly articulated visitation rules. Students do not leave the classrooms to use the bathrooms without letting an adult know and are not to go other places on campus.

Visitors:

Staff members are vigilant about classroom visitors and all school guests are asked to sign in at the office and obtain a visitor's badge for purposes of identification. If a person's presence on campus is questioned, the police department is contacted.

(H) A Safe and Orderly School Environment Conducive to Learning (EC 35294.2)

Component:

Classroom teachers maintain classrooms which are conducive to learning. Many teachers have attended various workshops on the maintenance of suitable learning environments in their classrooms. Some classes hold weekly class meetings/community circles to address issues. A variety of other classroom management strategies are employed. Students are made aware of expectations for their behavior both in the classrooms and on the yard during a series of assemblies or other training in positive behavior support and expectations. The District Student/Parent handbook is sent home and parents review this document with their children. Students and their parents sign a code of conduct which is kept in the office for the duration of the school year. As new students enroll in the district, copies of these documents are given to their families.

Expectations:

Be Safe

Be Respectful

Be Responsible

Element:**Opportunity for Improvement:**

Objectives	Action Steps	Resources	Lead Person	Evaluation

Component:**Element:****Opportunity for Improvement:**

Objectives	Action Steps	Resources	Lead Person	Evaluation

Component:**Element:****Opportunity for Improvement:**

Objectives	Action Steps	Resources	Lead Person	Evaluation

(I) School Discipline Rules and Consequences (EC 35291 and EC 35291.5)

Harmony Elementary and Salmon Creek-A Charter School Student Conduct Code

Appropriate student behavior is an integral part of a successful educational experience, and is a shared commitment between students, staff and parents. The following guidelines are based upon the need to provide a safe learning environment conducive to learning for all students. Major and/or repeated violations of school rules will jeopardize a student's participation in extra curricular activities and could result in school suspension if behavior becomes habitual.

Conduct Code Procedures

1. Be Safe
2. Be Respectful
3. Be Responsible

These are basic life rules and cover all the areas students need to be aware of to have a successful school experience.

The following plan is based on a belief that all students at Harmony Elementary have the right to a safe learning environment, and all teachers have the right to teach. Beyond the specifics below, it is expected that everyone at Harmony Elementary & Salmon Creek School-A-Charter School will be treated respectfully.

HUSD always strives to focus on positive behavior and to change negative behavior. Using our three guiding principles.

Good citizenship and making healthy choices are also taught within our classroom curriculum. The district utilizes research-based curriculum programs. These programs emphasize concepts such as respect, compassion, empathy, impulse control and problem solving, anger management, and making healthy lifestyle choices (age appropriate). Additionally, students are exposed to literature within the curriculum that educates them about respecting people from different cultures, races, religions, and sexual orientations.

HUSD has a progressive discipline plan that begins with each individual teacher designing and implementing a classroom management plan. Our highly qualified teachers are trained on how to change behavior towards the positive. Each teacher has their own system within the classroom. Teachers utilize various techniques and disciplinary consequences including restrictions from classroom activities or recess, phone calls home, trash pick-ups, detentions, etc. If a student has a pattern of inappropriate behavior, the student may be given a referral to see the Superintendent-Principal. The referral is recorded in the student's discipline file and the Superintendent-Principal may issue further disciplinary consequences. A single egregious disciplinary action by the student may also result in a referral to the Superintendent-Principal.

If students violate California Education Code, the Superintendent-Principal may suspend students from school. The Superintendent-Principal will issue disciplinary consequences at their discretion. These consequences can range from a warning, all the way to a recommendation for expulsion. Students who violate rules on the playground or during passing periods may be issued referrals or trash pick-ups from any staff member on campus. Yard-duty supervisors communicate with teachers and administrators on any violations of school rules.

If a teacher has a concern about a student that is not changing negative behavior, the teacher will call parents for a meeting to work in partnership with the parent and the Superintendent-Principal. An informal "behavior plan" may be agreed upon by all parties so the student can successfully change behavior. If the negative behavior continues, the teacher will gather documentation and fill out an SST (Student Study Team) request. An SST meeting is a formal meeting where the teacher(s), school psychologist, administrator, and parent (s) gather to discuss additional strategies to change behavior. Formal SST notes are taken and each team member agrees to a set of actions that will help the student. During this meeting, an agreement may be made for the school psychologist to design a formal behavior plan. When the behavior plan is implemented, the team reconvenes to make sure that all aspects of the behavior plan are successfully implemented and that the student's behavior has changed.

Playground:

The playground is a place where students should be able to enjoy themselves in a safe and friendly environment. All of the Standards of Behavior apply when students are on the school campus or participating in/at a school function.

Nuisance Items:

Those items that are deemed a nuisance to the educational process and tend to disrupt others are to be left at home. Such items, if brought to school, will be confiscated and returned only to the parent of the student. Repeated offenses will be viewed as acts of defiance and subject to further disciplinary action.

Nuisance items include, but are not limited to the following items: permanent markers; water guns; balloons; cameras (other than for yearbook); rubber bands; sling shots; electronic games; toys [cars, stuffed animals, dolls, Pokémon cards, etc...]; large sums of money; glass bottles; etc. The school cannot be responsible for personal items brought to school by students. Valuable items should be left at home.

Harmony Union School District students may NOT use personal iPods and/or personal cell phones or other personal electronic devices during school hours including before and after school unless medically cleared by Administration. They may bring such items to the school office where they will be locked in a lock box. They can pick them up after school. If you need to reach your child during school hours, please call and leave message with the office. 1st time confiscated: Student may pick item up from the school office or teacher and parent will be notified. 2nd time confiscated: Student's parents may pick up from the school office. 3rd time confiscated: Student will receive an In-School Suspension for defiance and loss of school privileges (i.e. but not limited to: dances,

Fun Friday, Field Trips)

- The district also has the authority to discipline the multi-offender student under Ed Code 48900(k) if it so chooses. This discipline can include in-school suspensions, at-home suspensions and expulsion, if warranted.
- The use of cellular phones and other electronics on campus during the instructional day can be disruptive to the educational process and can divert student focus from important learning and socialization activities. For that reason students are expected to demonstrate responsible behavior by keeping cellular phones and other electronics off from the time they arrive at school until they depart for home in the afternoon. Cellular phone and other electronic use are not prohibited when it is necessary for student health reasons, as determined by a licensed physician or surgeon.

Cafeteria/Lunchroom:

This should be a comfortable place, where students can enjoy their meals in a clean, calm atmosphere. Students TK through 4th grade will be asked to stay seated for at least 15 minutes to eat their lunch. 5th through 8th graders will need to stay seated for at least 10 minutes. In order to maintain an appropriate atmosphere in the lunchroom, students are asked to follow these standards:

- Report to assigned areas
- Throw litter in trash cans, appropriate recycling containers and clean up what you drop or spill
- Stay seated until release by supervisor
- Use inside voices when talking to others

Outdoor Education/Overnight Trips: Students are not automatically eligible for attendance at the Outdoor Education trip/Overnight trips due to the nature of the trips and its demands on adult supervision. We are very serious with regard to the cooperation and respect expected from the students who participate. Harmony Union School District reserves the right to determine student eligibility to attend this and other special trips based on the following criteria:

- Trustworthiness
- History of acceptable & reasonable behavior in school
- Discipline record overall

Excluding extreme circumstances, students will be notified of their ineligibility at least two weeks prior to the trip. Ineligible OR non-participating students must attend school.

Harmony Union School District has adopted the following Life Skills as the foundation to our work with each other. These Life Skills are core attitudes, behaviors, and values that determine a student's academic and personal success in school and beyond.

Life Skills:

CARING - showing concern for others
COMMON SENSE - using good judgement
CONFIDENCE - feeling able to do it
COOPERATION - working with others to reach a goal
CURIOSITY - wanting to learn or know about a full range of things
EFFORT - working to do your best at all things
FLEXIBILITY-changing plans when necessary
FOLLOWING DIRECTIONS - keeping your mind on steps to complete a task
INTEGRITY - Being honest and standing up for your beliefs
INITIATIVE - moving into action on your own
MATURITY - ability to control your actions
MOTIVATION - wanting to move forward
ORGANIZATION - keeping things in an orderly, readily usable way
PATIENCE - waiting calmly for someone or something
PERSEVERANCE - completing what you start no matter what happens
PROBLEM SOLVING - putting what you know and what you can do into action
SAFETY - making sure that your actions are safe for everyone
RESPECT - showing consideration for others
RESPONSIBILITY - being accountable for what you do and say
RISK - taking on new challenges to improve yourself
TEAMWORK - working together in a united effort
TRUST- believing in another person or thing

(J) Hate Crime Reporting Procedures and Policies

The Board of Trustees is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent-Principal or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the Superintendent-Principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the Superintendent-Principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the Superintendent-Principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Safety Plan Review, Evaluation and Amendment Procedures

Safety Plan will be reviewed by the Safety Committee, Site Council and School Board annually. Evaluation and Amendments will be conducted at the Safety Committee meetings. Approval of final draft with the Safety Committee will precede review by the Site Council. After Site council review and remittance for edits by the Safety Committee, and Site council adopts revised submission, the document will be forwarded to the board for approval.

Safety Plan Appendices

Emergency Contact Numbers

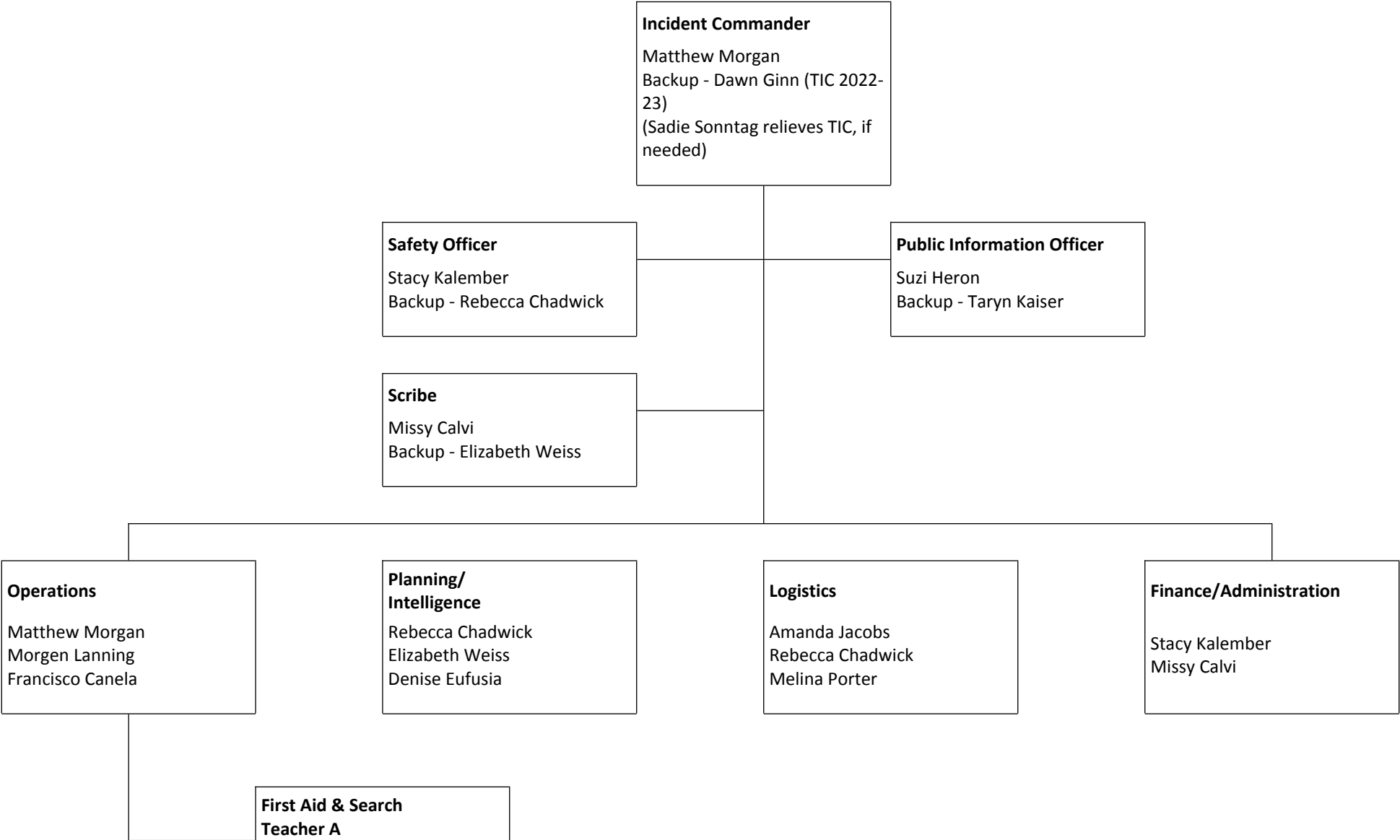
Utilities, Responders and Communication Resources

Type	Vendor	Number	Comments
Emergency Services	Sonoma County Department of Emergency Services	707-565-1152	
Law Enforcement/Fire/Paramedic	Sonoma County Sheriff	707-565-2511	Sub Station 869-2121
Law Enforcement/Fire/Paramedic	Gold Ridge Fire Department	707-823-1084	
Law Enforcement/Fire/Paramedic	Highway Patrol Info. Line	707-588-1400	
Public Utilities	PG&E	1-800-743-5002	
American National Red Cross	Sonoma County Chapter	707-577-7600	
Public Utilities	CalTrans	1-800-427-7623	
City Services	Sonoma County Department of Health Services	707-565-4400	Information
City Services	Health Service Communicable Disease Reporting	707-565-4567	
Other	Sonoma County Office of Education	707-524-2600	Redwood Empire Schools' Insurance Group: 707-836-0779

Safety Plan Review, Evaluation and Amendment Procedures

Activity Description (i.e. review steps, meetings conducted, approvals, etc)	Date and Time	Attached Document (description and location)
Reviewed Annually by the Safety Committee	February 2020 Committee Meeting	February 2020 Virtual Meeting
Reviewed and Approved Annually by Site Council/Charter Advisory Board	February 2020 Site Council Meeting	February 2020 Virtual Special Meeting
Reviewed and Approved Annually by HUSD School Board	February 2020	February 2020 Virtual Meeting
Reviewed and Approved Annually by Site Council/Charter Advisory Board	May 2021 Site Council Meeting	May 2021 Virtual Meeting
Reviewed and Approved Annually by HUSD School Board	May 2021	May 2021 Virtual Meeting
Reviewed and Approved Annually by Site Council/Charter Advisory Board	February 2022 Site Council Meeting	February Virtual Meeting 2022
Reviewed and Approved Annually by HUSD School Board	February 2022	February 2022 Meeting at Harmony USD Campus
Reviewed Annually by the Safety Committee	January 19, 2023 Committee Meeting	January 19, 2023 at Harmony USD Campus
Reviewed and Approved Annually by Site Council/Charter Advisory Board	January 25, 2023 Site Council Meeting	January 25, 2023 at Harmony USD Campus
Reviewed and Approved Annually by HUSD School Board	Awaiting Approval	February 16, 2023 Board Meeting at Harmony USD Campus

Harmony Elementary and Salmon Creek-A Charter School Incident Command System



	Morgen Lanning Francisco Canela Hunter Bryson Krista Gasper Monique Garrett
	Student Release & Accountability TeacherB Krista Gasper Elizabeth Weiss Melina Porter

Incident Command Team Responsibilities

Standardized Emergency Response Management System Overview

The California Standardized Emergency Management System (SEMS) is designed to centralize and coordinate emergency response through the use of standardized terminology and processes. This greatly facilitates the flow of information and resources among the agencies participating in response to an emergency. SEMS consists of five functions:

Management

During an emergency, the Incident Commander directs response actions from a designated Command Post. To effectively do this, the Incident Commander must constantly assess the situation, and develop and implement appropriate strategies. The Incident Commander must be familiar with the available resources, accurately document all response actions, and effectively communicate response strategies to others participating in the response. This function is typically filled by the school principal. The principal is assisted in carrying out this function by a Public Information & Liaison Officer and Safety Officer.

Planning & Intelligence

Planning and Intelligence involves the use of various methods to efficiently gather information, weigh and document the information for significance, and actively assess the status of the emergency. This understanding and knowledge about the situation at hand is vital to the effective management of a response. These activities are performed by a single person who reports directly to the Incident Commander.

Operations

All response actions are implemented under by Operations. This includes staff performing first aid, crisis intervention, search and rescue, site security, damage assessment, evacuations, and the release of students.

Logistics

Logistics supports the response by coordinating personnel; assembling and deploying volunteers; providing supplies, equipment, and services; and facilitating communications among emergency responders.

Finance & Administration

Finance & Administration involves the purchasing of all necessary materials, tracking financial records, timekeeping for emergency responders, and recovering school records following an emergency. These activities are performed by a single person who reports directly to the Incident Commander.

Emergency Response Guidelines

Step One: Identify the Type of Emergency

Step Two: Identify the Level of Emergency

Step Three: Determine the Immediate Response Action

Step Four: Communicate the Appropriate Response Action

Types of Emergencies & Specific Procedures

Air Quality

Air Quality Index (measured at fire.airnow.gov)

Recommended School Activities and Actions

(0-50) GOOD

- Great day to be active outside
- No restrictions on outdoor activities

(51-100) MODERATE

- Good day to be active outside
- Students who are unusually sensitive to air pollution could have symptoms.*Monitor readings, keep staff aware of sensitive students
- Monitor the situation if index worsens

(101-150) UNHEALTHY FOR SENSITIVE GROUPS

- Avoid vigorous outdoor activities and consider holding recess indoors.
- For longer activities such as athletic practice, take more breaks and do less intense activities. Consider moving indoors or rescheduling.
- Watch for symptoms and take action as needed
- Students with asthma should follow their asthma action plans/ keep medicine handy
- Inform staff that restrictions are in place based on recommendations
- Ensure that staff are following the guidelines
- Encourage families to carpool to reduce emissions. During COVID19, individuals from different households should be either vaccinated or masked.
- Remind site administrators of restrictions at this level
- Monitor the situation if index worsens

(151-200) UNHEALTHY

- Move all activities indoors or reschedule them.
- Watch for symptoms and take action as needed.*
- Students with asthma should follow their asthma action plans and keep their quick-relief medication on hand
- Inform staff that restrictions are in place based on recommendations
- Cancel all outdoor athletic activity
- Ensure that staff are following the guidelines
- Encourage families to carpool to reduce emissions
- Remind site administrators of restrictions at this level
- Monitor the situation if index worsens
- Determine if there are site by site concerns.
- Respond to school if there are site by site concerns to support and determine severity

(201 and higher) VERY UNHEALTHY

- Move all activities indoors or reschedule them to another day
- Inform staff that restrictions are in place
- Cancel all outdoor athletic activity
- Ensure that staff are following the guidelines
- Stay in communication with district office for changes
- Monitor school site for concerns such as poor air filtration or leaky windows
- Encourage families to carpool to reduce emissions
- Respond to school's concerns to support and determine severity
- Remind site administrators of restrictions at this level
- Consider closing schools based on site-by-site concerns

- Allow excused absences for students with reported health concerns
- Consult with local health experts as needed regarding the safety and viability of school operations
- Asthma Symptoms: Air pollution can make asthma symptoms worse and trigger attacks. Symptoms of asthma include coughing, wheezing, difficulty breathing, and chest tightness. Even students who do not have asthma could experience these symptoms. If symptoms occur, the student might need to take a break, do a less intense activity, stop all activity, go indoors, or use quick-relief medicine as prescribed. If symptoms don't improve, seek medical help.

Aircraft Crash

This procedure addresses situations involving an Aircraft Crash on or in proximity to school property. If a crash results in a fuel or chemical spill on school property, refer to instructions for procedures regarding Biological or Chemical Release. If a crash results in a utility interruption, refer to Loss or Failure of Utilities.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues the EVACUATE BUILDING action, staff and students will evacuate the buildings using prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" and will provide the exact location (e.g., building or area) and nature of emergency.
5. The First Aid/Medical Team will check injuries to provide appropriate first aid.
6. Any affected areas will not be reopened until the Goldridge Fire Department or appropriate agency provides clearance and the School Administrator issues authorization to do so.
7. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery as appropriate.
8. If it is unsafe to remain on campus, the School Administrator will initiate an OFF- SITE EVACUATION, if warranted by changes in conditions.

Animal Disturbance

This procedure should be implemented when the presence of a dog, coyote, mountain lion, skunk, fox or any other wild animal threatens the safety of students and staff.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include LOCK DOWN or EVACUATE BUILDING.
2. Upon discovery of an animal, staff members will attempt to isolate the animal from students, if it is safe to do so. If the animal is outside, students will be kept inside. If the animal is inside, students will remain outside in an area away from the animal. It is suggested closing doors or locking gates as means to isolate the animal.
3. If additional outside assistance is needed, the School Administrator will call 911 and provide the location of the animal and nature of emergency.
4. If a staff member or student is injured, the School Nurse, the parent, and Student Medical Services will be notified.
5. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions at the school.

Armed Assault on Campus

How to respond when an active shooter is in your vicinity:

Run--First priority--evacuate--get you and the kids out of the area the shooter is in. You can be reunited with the attendance sheet and orange bucket later. Look at your workspace now. What are potential escape routes? To where might you evacuate? Each of our schools has neighborhood accesses that can be used to evacuate so that you and your students are away from the threat.

Hide--Second priority--hide out in an area out of the shooter's view. Shooters generally go where it is easy to go. Lock the doors! People behind locked doors have not been killed in active shooter incidents. Silence cell phones and people. Look at your workspace now. How might people hide? Can you close the drapes or hide in a way that you can't be seen from the windows?

Fight--Third priority--take action--If you can't run or hide, then you can fight back as a last resort when your life or your students' lives are in danger--attempt to incapacitate the shooter. Look at your workspace now. What might be a good weapon? The best weapon is probably the fire extinguisher--you can discharge it in the shooter's face or hit him over the head with it--so if you are hiding, you may also want to be holding the extinguisher. But there are other potential weapons--baseball bats, staplers...

When law enforcement arrives, remain as calm as possible and follow their instructions, keep your hands empty and visible at all times. If they tell you to evacuate, don't ask questions, just go where they tell you.

If you are the one calling 911, tell the operator the location of the shooter(s) and any physical description and weapons held by shooter that you know about, and the number of victims at the location if known.

HUSD Soft Lockdown and Lockdown Procedures

Keys should be carried at all times (lanyard, attachable keychain, etc.)

SOFT LOCKDOWN

A precautionary security procedure due to a potential threat in the immediate or local vicinity of the school. This may or may not be directly related to the school. The security measure is usually short in duration, generally within an hour or two.

What does this look like:

- All outside activities are cancelled
- All doors should be locked
- All windows are closed, locked, and covered (shades are drawn)
- Teacher should lock their doors and continue with regular in-class activities as normal
- Students remain in the classroom at all times
- Washroom use by students is postponed
- Turn on your classroom walkie-talkie and have it on you (remember students can hear your conversation)
- Access to your email
- Remain in this mode until an all clear is given by an administrator or a uniformed Law Enforcement or Fire Department Officer

Procedures:

1. An initiation of a lockdown will be given via the PA system, phone, or face-to-face. The recommended announcement is as follows: We are now on a soft lockdown, repeat we are now on a soft lockdown. All students need to report to their classrooms immediately.
2. No outside activities are permitted until the event is resolved.
3. School goes on as usual.
4. All doors and windows are locked and windows are covered.
5. The administration will consult with Sonoma County Sheriff's department and/or allied police agency until the event is cancelled by an announcement or students are released.
6. When the soft lockdown is lifted notification will be given by the PA system, Walkie-Talkies, or Face-to-Face.
7. At any time during the soft lockdown it may be elevated to a hard lockdown if the circumstance warrants and in consultation with the appropriate police department and administration.
8. Communicate with parents, students, and staff as appropriate.

LOCKDOWN

The locking of all interior and exterior school doors as a result of a life-threatening event occurring inside the school, on school grounds, or immediately adjacent to the school, that has a high probability of moving onto school grounds.

What does this look like:

- All outside activities are cancelled
- All doors are locked
- Teachers should lock their doors and do not open doors for anybody
- Turn off any illuminating objects in the room
- Get to an area within the room that is the least visible and most safe
- Stay as quiet as possible
- Students remain in the classroom at all times
- Washroom use by students is postponed
- Volunteers go to the nearest classroom/building and stay there (cannot leave to find their child or be with their child)
- Remain in this mode until an all clear is given by an administrator or a uniformed Law Enforcement or Fire Department Officer

Procedures:

1. An announcement will be made via the PA system: We are now on lockdown. Return to the closest building immediately. Quickly check area near your classroom and take any nearby students into your classroom and lock your doors.
2. Students and staff in the cafeteria, library, gym, music room, computer lab, or garden will remain in the room/building and doors will be locked.
3. If you are on the trail, hide, and wait for direction from office or administration (walkie-talkie on low).
4. All doors and windows will be locked and windows covered.
5. When on a lockdown, the teacher will take roll and email administration and the office manager with any missing or additional students in their classroom.
6. No personal calls or texts...focus on students.
7. All walkie-talkies and other non-essential electronic devices should be turned off.
8. Communication between teacher and the office and/or administration will be by email.
9. Lights will be turned off and students will be seated in an area that is least visible from the door and windows. Teachers and students should remain quiet. Students and staff may not leave the room for any reason.
10. Do not open the door for anyone. Police or emergency responders will have a key to the door for entry. Administration, police, or emergency responders will "knock and announce" before entering.
11. Do not react to class bells or fire alarms. Announcements via the PA system will give evacuation directions if appropriate or possible.
12. If an evacuation is possible take student roll sheets (with notes of additional or absent students) with you.
13. When the lockdown is lifted by the originating police agency and administration an announcement will state: Your attention please: the lockdown has now ended.
14. Communicate with parents, students, and staff as appropriate.

During an Emergency you should have with you or access to the following:

- Current Class List
- Know who is in attendance
- Emergency Orange Bucket

Modeling correct expectations and behavior will go a long way in the minds of our students during an emergency situation. They will take direction and cues from you...stay calm.

Biological or Chemical Release

A Biological or Chemical Release is an incident involving the discharge of a biological or chemical substance in a solid, liquid or gaseous state. Such incidents may also include the release of radioactive materials. Common chemical threats within or adjacent to schools include the discharge of acid in a school laboratory, an overturned truck of hazardous materials in proximity of the school, or an explosion at a nearby oil refinery or other chemical plant.

The following indicators may suggest the release of a biological or chemical substance: Multiple victims suffering from watery eyes, twitching, choking or loss of coordination, or having trouble breathing. Other indicators may include the presence of distressed animals or dead birds.

This procedure deals with three possible scenarios involving the release of biological or chemical substances: Scenario 1 - Substance released inside a room or a building; Scenario 2 - Substance released outdoors and localized; and Scenario 3 - Substance released in surrounding community. It is necessary to first determine which scenario applies and then implement the appropriate response procedures listed below.

Procedure

SCENARIO 1: SUBSTANCE RELEASED INSIDE A ROOM OR BUILDING

1. The School Administrator will initiate the EVACUATE BUILDING action as described in Section 4.0. Staff will use designated routes or other alternative safe routes to an assigned Assembly Area, located upwind of the affected room or building.
2. The School Administrator will call "911", and will provide the exact location (e.g., building, room, area) and nature of emergency.
3. The School Administrator will notify the Local District Superintendent of the situation.

4. The School Administrator will instruct the Security/Utilities Team to isolate and restrict access to potentially contaminated areas until the Fire Department arrives.
5. The Security/Utilities Team will turn off local fans in the area of the release, close the windows and doors, and shut down the building's air handling system.
6. Persons who have come into direct contact with hazardous substances should have affected areas washed with soap and water. Immediately remove and contain contaminated clothes. Do not use bleach or other disinfectants on potentially exposed skin. Individuals that have been contaminated "topically" by a liquid should be segregated from unaffected individuals (isolation does not apply to widespread airborne releases). A member of the First Aid/Medical Team should assess the need for medical attention.
7. The Assembly Area Team will prepare a list of all people in the affected room or contaminated area, specifying those who may have had actual contact with the substance. The Assembly Area Team will provide the list to the School Administrator and the emergency response personnel.
8. The School Administrator will complete the Biological and Chemical Release Response Checklist.
9. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery.
10. Any affected areas will not be reopened until the Fire Department or appropriate agency provides clearance and the School Administrator gives authorization to do so.

SCENARIO 2: SUBSTANCE RELEASED OUTDOORS AND LOCALIZED

1. The School Administrator will immediately direct staff to remove students from the affected areas to an area upwind from the release. The School Administrator will, if necessary, initiate the EVACUATE BUILDING.
2. The Security/Utilities Team will establish a safe perimeter around the affected area and ensure personnel do not reenter the area.
3. The School Administrator will call "911", and will provide the exact location and nature of emergency.
4. The School Administrator will notify the Board Chair of the situation.
5. The Security/Utilities Team will turn off local fans in the area of the release, close the windows and doors and shut down the air handling systems of affected buildings.
6. Persons who have come into direct contact with hazardous substances should have affected areas washed with soap and water. Immediately remove and contain contaminated clothes. Do not use bleach or other disinfectants on potentially exposed skin. Individuals that have been contaminated "topically" by a liquid should be segregated from unaffected individuals (isolation does not apply to widespread airborne releases). A member of the First Aid/Medical Team should assess the need for medical attention.
7. The Assembly Area Team will prepare a list of all people in areas of contamination, especially those who may have had actual contact with the substance. The Assembly Area Team will provide the list to the School Administrator and the emergency response personnel.
8. The Psychological First Aid Team will convene onsite and begin the process of counseling and recovery.
9. Any affected areas will not be reopened until the appropriate agency provides clearance and the School Administrator gives authorization to do so.

SCENARIO 3: SUBSTANCE RELEASED IN SURROUNDING COMMUNITY

1. If the School Administrator or local authorities determine a potentially toxic substance has been released to the atmosphere, the School Administrator will initiate SHELTER-IN-PLACE.
2. Upon receiving the SHELTER-IN-PLACE notification, the Security/Utilities Team will turn off local fans in the area; close and lock doors and windows; shut down all buildings' air handling systems; seal gaps under doors and windows with wet towels or duct tape; seal vents with aluminum foil or plastic wrap, if available; and turn off sources of ignition, such as pilot lights.
3. Staff and students located outdoors will be directed to proceed immediately to nearby classrooms or buildings (e.g., auditorium, library, cafeteria, gymnasium). Teachers should communicate their locations to the School Administrator, using the PA system or other means without leaving the building.
4. The School Administrator will call "911", and will provide the exact location and nature of emergency.
5. The School Administrator will notify the Local District Superintendent of the situation.
6. The School Administrator will turn on a radio or television station to monitor information concerning the incident.
7. The school will remain in a SHELTER-IN-PLACE condition until appropriate agency provides clearance, or staff is otherwise notified by the School Administrator.

Bomb Threat/ Threat Of violence

Bomb Threat

Schools can receive bomb threats via telephone, mail, or someone may simply notice a suspicious package.

Telephone:

In the event that the school receives a bomb threat by telephone:

- Listen, do not interrupt the caller.
- Keep the caller on the line with statements such as "I'm sorry, I didn't understand you. What did you say?"
- Alert someone else by prearranged signal to call 9-1-1 and notify the telephone company to trace the call while the caller is on the line. Tell the operator the name of the school, the name of the caller, and the phone number on which the bomb threat came in.
- Notice details: background noises, voice description.
- Notify the site administrator immediately after completing the call.
- Complete the Bomb Threat Report Form (Annex A).

Mail:

In the event that the school receives a bomb threat by mail:

- Note the manner in which the threat was delivered, where it was found and who found it.
- Limit handling of item by immediately placing it in an envelope so that fingerprints may be detected. Written threats should be turned over to law enforcement.
- Notify Superintendent-Principal or site administrator.

Suspicious package:

In the event that a suspicious package is found on campus:

- Caution students against picking up or touching any strange objects or packages.
- Notify Superintendent-Principal or site administrator.

Superintendent-Principal/Site Administrator Actions:

- Call 9-1-1.
- Instruct staff and students to turn off any pagers, cellular phones, or two-way radios. Use of these devices may trigger explosive devices.
- Determine whether to evacuate the threatened building and adjoining buildings. Modify evacuation routes as necessary to bypass the location of the bomb, if known. Keep in mind that evacuation may not be the best response.
- Use the intercom, runners, or the PA system to evacuate threatened rooms.
- Direct a staff to look for suspicious packages, boxes or foreign objects. If suspicious item is found, note the location, description, and report to the Superintendent-Principal/site administrator, but make no attempt to investigate or examine the object.
- If it is necessary to evacuate the entire school, use the fire alarm.
- Notify the superintendent of the situation.
- Direct a search team to look for suspicious packages, boxes or foreign objects in work areas, public areas, unlocked closets, exterior areas, and power sources. If suspicious item is found, note the location, description, and report to the Superintendent-

Principal/site administrator, but make no attempt to investigate or examine the object.

- Do not return to the school building until it has been inspected and determined safe by emergency response officials.
- Avoid publicizing the threat any more than necessary.

See Appendix Homeland Security Bomb Threat Checklist

Bus Disaster

BUS SERVICE

Regular bus service to and from school is provided for students. Appropriate behavior is required while waiting and riding on the bus. Students are requested to get on and off the bus single file, to follow driver's instructions, and to stay on campus as soon as they get off the bus.

Bus Passes: All students who ride the bus are required to have a bus pass. Applications for bus passes are available in the school office. This is a "lifetime" pass and will be "good" as long as you need it. If a pass is lost, please notify WCTA or the school office immediately for a replacement. Replacement passes cost \$5.

BUS QUESTIONS SHOULD BE DIRECTED TO THE BUS COMPANY AT: 206-9988

The West County Transportation Agency has adopted rules and regulations in conjunction with Harmony Union School District to assist students in understanding their responsibilities while riding buses of the agency. These rules will assure safe and proper travel to and from school and are to be observed while waiting at the bus stops, riding the bus home and to school, or on field trips. The following list of student actions constitute violations of the established rules and regulations:

1. Abrasive body contact (slapping, hitting, poking, shoving, pulling hair etc.)
2. Fighting on the bus, or at the bus stop.
3. Using other than the students regularly designated stop.
4. Using profane language or obscene gestures.
5. Unauthorized exits (from emergency doors, windows, etc.)
6. Putting any part of the body out of the bus window at any time.
7. Any movement out of the seats while the bus is in motion.
8. Riding the bus after being denied the riding privilege.
9. Legs, feet and objects obstructing the aisle or facing to the rear in the seats.
10. Creating excessive noise.
11. Any improper bus stop procedures. (Not lining up, rock throwing, playing in the streets, any property damage at the bus stops, etc.)
12. Unauthorized opening, closing, or tampering of any kind with bus doors, windows, or emergency exits.
13. Any type of damage or defacing of the bus.
14. Lighting of matches, cigarettes or smoking of any kind.
15. Throwing any objects in, out or at the bus.
16. Littering of any kind.
17. Transporting live animals, reptiles, or insects in the bus.
18. Eating, drinking, or chewing tobacco or gum on the bus.
19. Disrespect to the driver.
20. Transporting of any object the driver feels is unsafe.
21. Giving improper identification when requested by the driver.
22. Tampering with radio or bus controls.
23. Failure to obey the driver.
24. Failure to remain quiet at all railroad crossings.
25. Endangering life or limb of other people.
26. Other unauthorized or unsafe actions.

Authority of the bus driver as explained in Section 14263 of the California Administrative Code, Title 5, State that:

Pupils transported in a school bus shall be under the authority of, and responsible directly to, the driver of the bus, and the driver shall be held responsible for the orderly conduct of the pupils while they are on the bus or being escorted across a street, highway, or road. Continued disorderly conduct or persistent refusal to submit to authority of the driver shall be sufficient reason for a pupil to leave the bus enroute between home and school or other destinations.

Consequences of Bus Infraction(s) Transitional Kindergarten – 8th Grades:

- 1st Violation - Written Warning
- 2nd Violation - Student Assigned Seat
- 3rd Violation - Suspension from bus for 3 days
- 4th Violation - Suspension from bus for 10 days
- 5th Violation - Suspension from bus for remainder of School year.

Every year students go through bus safety procedures and evacuation drills provided by West County Transportation Agency.

Disorderly Conduct

Disorderly Conduct may involve a student or staff member exhibiting threatening or irrational behavior. If the perpetrator is armed, refer to Section "Armed Assault on Campus".

Procedure

1. Upon witnessing a Disorderly Conduct, staff should take steps to calm and control the situation and attempt to isolate the perpetrator from other students and staff, if it is safe to do so.
2. Staff will immediately notify the School Administrator.
3. The School Administrator will initiate the appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, LOCK DOWN, EVACUATE BUILDING or OFF-SITE EVACUATION.
4. The School Administrator will call the Sheriff (911), and provide the exact location and nature of the incident.
5. If an immediate threat is not clearly evident, the School Administrator or a staff member may attempt to diffuse the situation. Approach the perpetrator in a calm, non-confrontational manner and request he or she leave the campus. Avoid any hostile situations.
6. If the perpetrator is a student, an attempt should be made to notify the family. (Family members may provide useful information on handling the situation.)
7. The School Administrator will notify the County Superintendent of the situation.

Earthquake

Drop, Cover and Hold On

Drop, Cover and Hold On is a self-protective action called for whenever there is immediate danger from flying objects and/or falling debris. Usually initiated in earthquakes, it is an appropriate response for a number of different threats, such as severe weather or shooter on campus.

When to Drop, Cover and Hold On:

- Civil Unrest/Law Enforcement Activity
- Explosion
- Landslide

Drop, Cover and Hold On Procedures

- At the first sign of shaking or imminent threat, all students and staff should immediately, drop to the floor, cover the back of their necks, and hold on to the closest piece of furniture (desk or chair) or other stable object with their free hand.
- If you are in a location without furniture (such as a hallway or bathroom), immediately kneel next to a bare, inside wall and place your arms and hands over the back of your neck and head.
- If you are outdoors, move away from trees, billboards, signs, buildings, electrical wiring and power poles. Drop to the ground and cover the back of your neck and head with your arms and hands.
- Stay in this position until the threat passes and an "All Clear" announcement has been made-either through the PA system or via runners.
- The main office should then make the announcement to either:
- Resume regular activities

OR

- Direct a response action such as evacuation, cancellation, or closure of school
- Check for injuries and take roll to be sure all students, guests and visitors are accounted. Notify the office of any injuries or missing persons.

Note: Remember to stay alert for aftershocks!

How to assist those with disabilities during Drop, Cover, and Hold On:

Visually impaired

- Announce the type of emergency and tell them to "Drop, Cover, and Hold On"

Hearing impaired

- Turn lights on/off to gain persons attention
- Indicate directions with gestures or write a note with evacuation directions

Individuals with crutches, canes or walkers

- Have child cover their head and neck with both arms

Individuals in wheelchairs

- Lock the wheels on the chair
- Have child cover their head and neck with both arms

Explosion or Risk Of Explosion

This section addresses four possible scenarios involving an Explosion/Risk of Explosion: Scenario 1 - Explosion on school property; Scenario 2 – Risk of explosion on school property; Scenario 3 - Explosion or risk of explosion in a surrounding area, and Scenario 4 – Nuclear blast or explosion involving radioactive materials. [A nuclear blast is characterized by a sequence of intense light and heat, air pressure wave, expanding fireball, and subsequent radioactive fallout.]. It is necessary to first determine which scenario applies and then implement the appropriate response procedures. For “Bomb Threats.

Procedure please refer to the section on "Bomb Threats".

SCENARIO 1: EXPLOSION ON SCHOOL PROPERTY

1. In the event of an explosion, all persons should initiate DUCK AND COVER.
2. The School Administrator will consider the possibility of another imminent explosion and take appropriate action.
3. After the explosion, the School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING or OFF-SITE EVACUATION. Evacuation may be warranted in some buildings and other buildings may be used as shelter.
4. In the event of an evacuation, staff and students will use prescribed routes or other safe routes and proceed to the Assembly Area.
5. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
6. The School Administrator will call “911” and will provide the exact location (e.g., building, room, area) and nature of emergency.
7. The First Aid/Medical Team will check for injuries and provide appropriate first aid.
8. Staff should attempt to suppress only small fires with extinguishers. Note: Ensure the use of proper type of extinguishers, i.e. Class A, B or C for ordinary combustibles; Class B or C for fires involving flammable liquids; or Class C only for fires involving electrical equipment.
9. The EOC Leader will check with maintenance of any damages to water lines, sewers, power lines and other utilities.
10. The School Administrator will notify the District and County Superintendent of the situation.
11. The EOC Team Leader will post staff a safe distance away from the building entrance to prevent persons entering the school buildings.
12. When it is determined safe to enter affected areas, the Fire Department / First Responders will conduct search and rescue activities.
13. The School Administrator will contact the Fire Department and appropriate agencies to ensure buildings are safe for reoccupancy. When safe to do so, the Fire Suppression and HazMat Team will conduct an inspection of school buildings. The Fire Suppression and HazMat Team will maintain a log of their findings, by building, and provide a periodic report to the Incident Commander.
14. Any areas affected by the explosion will not be reopened until appropriate agency provides clearance and the School Administrator gives authorization to do so.
15. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions

SCENARIO 2: RISK OF EXPLOSION ON SCHOOL PROPERTY

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues EVACUATE BUILDING action, staff and students will evacuate the building using prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call “911” and will provide the exact location (e.g., building, room, area) and nature of emergency.

5. Staff should attempt to suppress only small fires with extinguishers. Note: Ensure the use of proper type of extinguishers, i.e. Class A, B or C for ordinary combustibles; Class B or C for fires involving flammable liquids; or Class C only for fires involving electrical equipment.
6. The EOC Team Leader will notify maintenance of any damages to water lines, sewers, power lines and other utilities.
7. The School Administrator will notify the District and County Superintendent of the situation.
8. All affected areas will not be reopened until the appropriate agency provides clearance and the School Administrator issues authorization to do so.
9. In the event of an explosion on campus, refer to procedures listed under Scenario 1 above.
10. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.

SCENARIO 3: EXPLOSION OR RISK OF EXPLOSION IN SURROUNDING AREA

1. The School Administrator will initiate the SHELTER-IN-PLACE response action.
2. The School Administrator will notify "911" and will provide the exact location (e.g., building, area) and nature of emergency.
3. The School Administrator will take further actions as needed.
4. The school will remain in a SHELTER-IN-PLACE condition until the appropriate agency provides clearance and the School Administrator issues further instructions.

SCENARIO 4: NUCLEAR BLAST OR EXPLOSION INVOLVING RADIOACTIVE MATERIALS

1. The School Administrator will initiate the SHELTER-IN-PLACE response action.
2. When sheltering, personnel should try to establish adequate barriers or shielding (e.g. concrete walls, metal doors) between themselves and the source of the blast or explosion, and should avoid sheltering near exterior windows and walls.
3. The School Administrator will notify "911" and provide details on the area and personnel affected at the school.
4. After the initial blast, remove students from rooms with broken windows, extinguish small fires, and provide first aid.
5. The EOC team will turn off the school's main gas supply (refer to the Site Plot Plan in Appendix C for gas supply shut off valve), local fans in the area; close doors and windows; shut down all buildings' air handling systems; seal gaps under doors and windows with wet towels or duct tape; seal vents with aluminum foil or plastic wrap, if available; and turn off sources of ignition, such as pilot lights.
6. The School Administrator will monitor radio or television announcements and initiate further actions as appropriate.
7. The school will remain in a SHELTER-IN-PLACE condition until the Fire Department provides clearance and the School Administrator issues further instructions.

Fire in Surrounding Area

This procedure addresses the situation where a fire is discovered in an area adjoining the school. The initiated response actions should take into consideration the location and size of the fire, its proximity to the school and the likelihood that the fire may affect the school.

Procedure

1. The School Administrator will initiate the appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE, EVACUATE BUILDING or OFF-SITE EVACUATION.
2. The School Administrator will notify "911" and will provide the location and nature of emergency.
3. The School Administrator will instruct the Security/Utilities Team to prevent students from approaching the fire and keep routes open for emergency vehicles.
4. The Agency Liaison will contact the fire department and will work with the fire department to determine if school grounds are threatened by the fire, smoke, or other hazardous conditions.
5. If the School Administrator issues the EVACUATE BUILDING action, staff and student will evacuate the affected building(s) using prescribed routes or other safe routes to the Assembly Area.
6. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
7. As appropriate, the School Administrator will activate Parent Alert System.
8. The School Administrator will notify the Local District and County Superintendent of the emergency situation.
9. If needed, the School Administrator will notify Bus Dispatch to request busses for staff and student evacuation.
10. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.

Fire on School Grounds

This procedure addresses situations where a fire is discovered on school grounds. A quick response to this situation is very important to prevent injuries and further property damage.

Procedure

1. Upon discovery of a fire, Teachers or staff will direct all occupants out of the building, signal the fire alarm, and report the fire to the School Administrator.
2. The School Administrator will immediately initiate the EVACUATE BUILDING. Staff and students will evacuate buildings using the prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" and will provide the exact location (e.g., building, room, area) of the fire.
5. Staff will suppress only small fires and initiate rescue procedures until the local fire department arrives.
6. The EOC Team will secure the area to prevent unauthorized entry and keep access roads clear for emergency vehicles until the Fire Department or Emergency Services arrive.
7. The Agency Liaison will direct the fire department to the fire and brief fire department official on the situation.
8. The School Administrator will notify Maintenance of damage to utilities.
9. The School Administrator will notify the Local District and County Superintendent of the fire.
10. If needed, the School Administrator will notify Bus Dispatch to request busses for staff and student evacuation.
11. Any affected areas will not be reopened until the Fire Department provides clearance and the School Administrator issues authorization to do so.
12. For fires during non-school hours, the School Administrator and the Local District Superintendent will determine if the school will open the following day.
13. All fires, regardless of their size, which are extinguished by school personnel, require a call to the Fire Department to indicate "fire is out."

Infectious Disease

Site Administration, in consultation with public health, will determine:

- a. The nature of the risk (how the disease is transmitted).
- b. The duration of the risk (how long the carrier is contagious or infectious).
- c. The severity of the risk (what is the potential for harm to other parties or to the infected person).
- d. The probability the disease will be transmitted and will cause varying degrees of harm.

Protocols will be instituted to mitigate risk with consideration for the safety of the student, other students, employees and the control of the communicable, contagious or infectious disease.

Existing protocols to prevent spread blood born, fomites, or aerosol contagion will be followed when exposure is possible.

Please also see Harmony USD's COVID Safety Plan attached at the end of this Safety Plan for an in-depth information regarding the current pandemic.

Flooding

Evaluate the situation and determine if school closure is necessary.

Closure of School (school hours)

Schools are closed or classes cancelled when it is unsafe for students and staff due to road closures, power outages, severe weather, earthquakes, etc. Schools may also be closed if the campus is needed for public sheltering or public health measures.

When to close your school:

- Civil Unrest/Law Enforcement Activity
- Dam Failure

- Explosion
- Flood
- Hazardous Materials Incident
- Landslide
- Major Earthquake

Closure Procedures

- Contact District Office to obtain permission or collaborate on decision to close school
- Notify staff and students via:
- An announcement over the PA:

“Your attention please, your attention please. We will be initiating school closure and student release procedures. Teachers and students should remain in their classrooms until further notice.”

OR

- If it is safe to do so, send runners to each classroom with the above information. Be sure all classrooms, libraries, cafeterias, gymnasiums, and all other on-campus programs and offices are also notified.
- Activate parent alert system (phone tree if one is in place, or other method)
- Post “School Closed” signs in school office and main entry points. Indicate on the signs how to get additional information such as an emergency phone number, radio station, etc.
- Prepare for Student Release. Sections: Teams that may be activated:
- Management
- Operations: Student Release

Note: The conversion of a school campus for purposes of public sheltering or mass prophylaxis must be initiated by the District Superintendent/Designee at the request of the Department of Emergency Services, the American Red Cross, or the Department of Health Services.

Cancellation of School (before school hours)

If conditions warrant the cancellation of school prior to the beginning of the school day, the Sonoma County Office of Education (SCOE) normally requests the following protocol be utilized. The utilization of this procedure will ensure that all authorized school closure announcements are properly communicated to media representatives.

When to cancel school:

- Civil Unrest/Law Enforcement Activity
- Dam Failure
- Explosion
- Flood
- Hazardous Materials Incident
- Landslide
- Major Earthquake

Cancellation Procedures

- School site administrator is to notify the District Office
- District Office will notify SCOE in the following manner:
- 5:00AM - 7:30AM, call the County Superintendent
- If County Superintendent is unavailable, call the Deputy Superintendent
- After 7:30AM, call
- SCOE: (707) 524-2606
- Notify staff (use staff phone tree, if one is in place or other method)
- Activate Parent Alert System (phone tree, if one is in place or other method)
- Assign someone to go to the school/district site (if safe to do so) to post a notice of school closure and contact numbers to call for information.
- Sections that may be activated:
- Management

Loss or Failure Of Utilities

Evaluate the situation and determine if school closure is necessary.

Closure of School (school hours)

Schools are closed or classes cancelled when it is unsafe for students and staff due to road closures, power outages, severe weather, earthquakes, etc. Schools may also be closed if the campus is needed for public sheltering or public health measures.

When to close your school:

- Civil Unrest/Law Enforcement Activity
- Dam Failure
- Explosion
- Flood
- Hazardous Materials Incident
- Landslide
- Major Earthquake

Closure Procedures

- Contact District Office to obtain permission or collaborate on decision to close school
- Notify staff and students via:
- An announcement over the PA:

"Your attention please, your attention please. We will be initiating school closure and student release procedures. Teachers and students should remain in their classrooms until further notice."

OR

- If it is safe to do so, send runners to each classroom with the above information. Be sure all classrooms, libraries, cafeterias, gymnasiums, and all other on-campus programs and offices are also notified.
- Activate parent alert system (phone tree if one is in place, or other method)
- Post "School Closed" signs in school office and main entry points. Indicate on the signs how to get additional information such as an emergency phone number, radio station, etc.
- Prepare for Student Release. Sections: Teams that may be activated:
- Management
- Operations: Student Release

Note: The conversion of a school campus for purposes of public sheltering or mass prophylaxis must be initiated by the District Superintendent/Designee at the request of the Department of Emergency Services, the American Red Cross, or the Department of Health Services.

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- Notify staff (use staff phone tree, if one is in place or other method)
- Activate Parent Alert System (phone tree, if one is in place or other method)
- Assign someone to go to the school/district site (if safe to do so) to post a notice of school closure and contact numbers to call for information.
- Sections that may be activated:
- Management

Motor Vehicle Crash

This procedure addresses situations involving a Motor Vehicle Crash on or immediately adjacent to school property. If a crash results in a fuel or chemical spill on school property, refer to Section 5.4, Biological or Chemical Release. If a crash results in a utility interruption, refer to Section 5.13, Loss or Failure of Utilities.

Procedure

1. The School Administrator will initiate appropriate Immediate Response Actions, which may include DUCK AND COVER, SHELTER-IN-PLACE, EVACUATE BUILDING, or OFF-SITE EVACUATION.
2. If the School Administrator issues the EVACUATE BUILDING action, staff and students will evacuate the buildings using prescribed routes or other safe routes to the Assembly Area.
3. In the event of an evacuation, Teachers will bring their student roster and take attendance at the Assembly Area to account for students. Teachers will notify the Assembly Area Team of missing students.
4. The School Administrator will call "911" and will provide the exact location (e.g., building, area) and nature of emergency.
5. The School Administrator will notify the Local District Superintendent of the situation.
6. The Security/Utilities Team will secure the crash area to prevent unauthorized access. If the crash results in a fuel or chemical spill refer to procedures for response to chemical spills. If the crash results in a utility interruption, refer to the relevant procedures.
7. The First Aid/Medical Team will check for injuries to provide appropriate first aid.
8. Any affected areas will not be reopened until the Fire Department provides clearance and the School Administrator issues authorization to do so.
9. The School Administrator will initiate an OFF-SITE EVACUATION, if warranted by changes in conditions.

Psychological Trauma

Crisis management refers to actions during and after any emergency that may have a psychological impact on students and staff, such as an act of violence; the death of a student or staff member; an earthquake or other natural disaster; a serious environmental problem; or ethnic and racial tensions. Emergencies like those described above usually produce one or more of the following conditions:

- Temporary disruption of regular school functions and routines.
- Significant interference with the ability of students and staff to focus on learning.
- Physical and/or psychological injury to students and staff.
- Concentrated attention from the community and news media.

As a result of such emergencies, students and staff may exhibit a variety of psychological reactions. As soon as the physical safety of those involved has been insured, attention must turn to meeting the emotional and psychological needs of students and staff.

Procedure

1. The School Administrator will establish the Crisis Team, including Administrator, Counselor, Nurse and School Psychologist, which has primary responsibility for providing necessary assistance after all types of crises.
2. The Crisis Team will assess the range of crisis intervention services needed during and following an emergency.
3. The Crisis Team will provide direct intervention services.
4. If there is a need for additional assistance, the School Administrator will notify the Local District Superintendent.
5. The Crisis Team will advise and assist the School Administrator to restore regular school functions as efficiently and as quickly as possible.
6. In performing their duties, the Crisis Team members will limit exposure to scenes of trauma, injury and death.
7. The Crisis Aid Team will provide ongoing assessment of needs and follow-ups services as required.

Suspected Contamination of Food or Water

This procedure should be followed if site personnel report suspected contamination of food or water. This procedure applies where there is evidence of tampering with food packaging, observation of suspicious individuals in proximity to food or water supplies, or if notified of possible food/water contamination by central District staff or local agencies. Indicators of contamination may include unusual odor, color, taste, or multiple employees with unexplained nausea, vomiting, or other illnesses.

Procedure

1. The School Administrator will isolate the suspected contaminated food/water to prevent consumption, and will restrict access to the area.
2. The School Administrator will notify "911", County Department of Health Services, and the Office of Environmental Health and Safety, if any contaminated food or water has been ingested.
3. The School Administrator will make a list of all potentially affected students and staff, and will provide the list to responding authorities.
4. The First Aid/Medical Team will assess the need for medical attention and provide first aid as appropriate.
5. The School Administrator will maintain a log of affected students and staff and their symptoms, the food/water suspected to be contaminated, the quantity and character of products consumed, and other pertinent information.
6. School Administrator will call the Fire Department which will conduct an onsite review to determine necessary follow-up actions including the need to notify other potentially affected District facilities.
7. The School Administrator will confer with the County Department of Health Services before the resumption of normal operations.
8. If tampering is evident, notify Emergency Services.
9. The School Administrator will notify parents of the incident, as appropriate.

Unlawful Demonstration or Walkout

An Unlawful Demonstration/Walkout is any unauthorized assemblage on or off campus by staff or students for the purpose of protest or demonstration.

Procedure

1. Upon indication that an unlawful demonstration or walkout is about to begin, personnel should immediately notify the School Administrator.
2. The Superintendent-Principal/School Administrator will initiate appropriate Immediate Response Actions, which may include SHELTER-IN-PLACE.
3. The Superintendent-Principal/School Administrator will notify 911, the District Superintendent to request assistance and will provide the exact location and nature of emergency.
4. The Request Gate Team will immediately proceed to the Main Gate to control student ingress and egress. Each person entering or leaving the campus shall be required to sign their name, and record address, telephone number and time entered or departed. Points of egress should not be locked, as a locked gate may create a serious hazard for students leaving or attempting to re-enter the campus.

5. If students leave the campus, the Security Team, in consultation with the School Administrator, will designate appropriate staff members to accompany them. These staff members will attempt to guide and control the actions of students while offsite.
6. Students not participating in the demonstration or walkout should be kept within their classrooms until further notice by the School Administrator. Teachers will close and lock classroom doors. Students and staff should be protected from flying glass in the event windows are broken, by closing drapes and venetian blinds in rooms so equipped.
7. The Documentation staff member should keep accurate record of events, conversations and actions.
8. The Superintendent-Principal/School Administrator should proceed in good judgment on basis of police or other legal advice, in taking action to control and resolve the situation.
9. The Superintendent-Principal/School Administrator will notify parents of the incident, as appropriate.

The site plan illustrates the layout of the University of Oregon campus, featuring a central academic core and various recreational and administrative buildings. Key areas include:

- Central Academic Core:** Includes the Library, Redwood Administration Building, Health Sciences Building, and various science and engineering buildings like the Buckhorn, MacKinnon, and MacKinnon-Kinder College.
- Recreational and Athletic Facilities:** Features a large Gymnasium, a Basketball Gym, and an Assembly Hall. Outdoor areas include the Zen Garden, Dragon Playground, and several outdoor eating areas.
- Administrative and Support Buildings:** Includes the Board of Regents Building, the President's Office, and various support spaces like the Dining Hall and the Assembly Hall.
- Landmarks and Outdoor Spaces:** The plan shows the Willamette River, the University of Oregon Arboretum, and several outdoor eating areas. The campus is also marked with various landmarks like the University of Oregon Arboretum and the University of Oregon Arboretum.

The plan uses a grid system to identify specific locations, with letters A through Z and numbers 1 through 10. The University of Oregon logo is visible in the bottom right corner.



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.4 Consideration of HUSD Calendar for 2023-24 School Year
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:

DRAFT HUSD Calendar 23-
24.pdf

Description:**Background
Information:****Fiscal Implications:****Recommendation:**

That the board adopt the HUSD Calendar for 2023-24

Approvals:

Recommended
By:

Matthew Morgan - Superintendent/Principal



2023-2024 Harmony Union School District Calendar

134	School Day (Full Length)
46	School Day (Minimum Length)
30	Summer School Day
5	Teacher In Service Day (No Students)
29	Holiday/Break (No Students)
2	Emergency Day (No Students Unless Needed)
120	Summer Vacation or Weekend (No Students)

July 2023							
S	M	T	W	T	F	S	
						1	
2	3	4	5	6	7	8	Jul 4 Observe Fourth of July
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
23	24	25	26	27	28	29	
30	31						

January 2024							
S	M	T	W	T	F	S	
	1	2	3	4	5	6	Jan 1-5 Winter Break
7	8	9	10	11	12	13	Jan 1 Observe New Year's Day
14	15	16	17	18	19	20	Jan 15 Martin Luther King Day
21	22	23	24	25	26	27	
28	29	30	31				

August 2023							
S	M	T	W	T	F	S	
		1	2	3	4	5	
6	7	8	9	10	11	12	Aug 15 Teacher Collaboration
13	14	15	16	17	18	19	Aug 16 All Staff Collaboration
20	21	22	23	24	25	26	Aug 17 First Day of School
27	28	29	30	31			Aug 28-31 Class Meetings

February 2024							
S	M	T	W	T	F	S	
				1	2	3	
4	5	6	7	8	9	10	Feb 12-15 Conference Week
11	12	13	14	15	16	17	Feb 16 Observe Lincoln's Day
18	19	20	21	22	23	24	Feb 19 Presidents Day
25	26	27	28	29			

September 2023							
S	M	T	W	T	F	S	
						1	2
3	4	5	6	7	8	9	Sep 1 Welcome Back Dinner
10	11	12	13	14	15	16	Sep 4 Labor Day
17	18	19	20	21	22	23	
24	25	26	27	28	29	30	

March 2024							
S	M	T	W	T	F	S	
					1	2	Mar 1 End of Trimester 2
3	4	5	6	7	8	9	
10	11	12	13	14	15	16	Mar 15 Honor Assembly
17	18	19	20	21	22	23	Mar 18-25 Spring Break
24	25	26	27	28	29	30	
31							

October 2023							
S	M	T	W	T	F	S	
1	2	3	4	5	6	7	Oct 5 Fall Festival
8	9	10	11	12	13	14	Oct 6 Teacher Collaboration
15	16	17	18	19	20	21	Oct 9-13 Conference Week
22	23	24	25	26	27	28	
29	30	31					

April 2024							
S	M	T	W	T	F	S	
	1	2	3	4	5	6	Apr 18 Spring Festival
7	8	9	10	11	12	13	Apr 19 Teacher Collaboration
14	15	16	17	18	19	20	Apr 22 Emergency Day*
21	22	23	24	25	26	27	Apr 29 Emergency Day*
28	29	30					*OFF Unless Needed

November 2023							
S	M	T	W	T	F	S	
			1	2	3	4	Nov 9 End of Trimester 1
5	6	7	8	9	10	11	Nov 10 Observe Veterans Day
12	13	14	15	16	17	18	Nov 17 Honor Assembly
19	20	21	22	23	24	25	Nov 20-24 Thanksgiving
26	27	28	29	30			

May 2024							
S	M	T	W	T	F	S	
			1	2	3	4	
5	6	7	8	9	10	11	
12	13	14	15	16	17	18	
19	20	21	22	23	24	25	May 27 Memorial Day
26	27	28	29	30	31		


December 2023							
S	M	T	W	T	F	S	
					1	2	
3	4	5	6	7	8	9	
10	11	12	13	14	15	16	Dec 20 Winter Festival
17	18	19	20	21	22	23	Dec 22-29 Winter Break
24	25	26	27	28	29	30	
31							

June 2024							
S	M	T	W	T	F	S	
						1	Jun 5 Summer Field Day
2	3	4	5	6	7	8	Jun 6 Last day of School
9	10	11	12	13	14	15	Jun 7 Teacher Work Day
16	17	18	19	20	21	22	Jun 7 Graduation
23	24	25	26	27	28	29	Jun 17-28 Summer School
30							



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.5 Consideration of 2021-22 Audit Certification and Report of Corrective Action for Findings
Strategic Plans:	
Policy:	
Enclosure	
File Attachment:	 2021-22 Audit Report and Audit Findings.pdf  Harmony USD Audit Report 2022.pdf
Description:	
Background Information:	
Fiscal Implications:	
Recommendation:	That the board approve the 2021-22 Audit Certification and Report of Corrective Action for Findings
Approvals:	Recommended By:  Matthew Morgan - Superintendent/Principal

SCOE BIZ

Business Services

Bulletin No. 23-10



5340 Skylane Boulevard
Santa Rosa, CA 95403-8246
(707) 524-2600 ■ www.scoe.org

November 17, 2022

To: District and Charter Business Services
From: Sarah Lampenfeld, Director, External Fiscal Services
Subject: 2021-22 Audit Report and Audit Findings

Audit findings and resolution of such findings are the responsibility of the school districts and charters. The County Office of Education is responsible for reviewing school district audit findings related to the following areas:

- 10000** Attendance
- 20000** Inventory of Equipment
- 30000** Internal Control
- 60000** Miscellaneous
- 61000** Classroom Teacher Salaries
- 62000** Local Control and Accountability Plan
- 70000** Instructional Materials
- 71000** Teacher Misassignments
- 72000** School Accountability Report Card (SARC)

The County Office must determine whether the exceptions have been corrected or have an acceptable plan of correction. If the district's response to an audit finding listed in the audit report was sufficient, no further action is necessary. However, SCOE District Fiscal Management Advisors may request additional information for certain findings.

Please note that monetary findings listed in the audit report AND findings that are continually repeated year after year are of concern to us. Corrective action plans should be in place to ensure that an event is not repeated.

PLEASE:

1. Complete the following forms:

- a. **Audit Certification ~ attached**
- b. **Certification of Corrective Action (if audit findings) ~ attached**
- c. **Supporting documentation for Certification of Correction Action (if requested by SCOE District Fiscal Management Advisor)**

2. Return above to your SCOE District Fiscal Management Advisor by the indicated due dates.

Deadlines for responding to the audit are as follows:

December 1 **A written request for an audit report filing extension is due to SCOE before November 30, 2022.**

Districts: Please include the reason for the extension request and the expected date of audit submission on District letterhead and send via email or AV mail. Subsequently, SCOE will submit the extension request to the State Controller's Office (SCO) by December 15, 2022. The SCO and CDE will review the request *and accompanying justification* and provide notification as to whether the extension will be granted. SCOE will notify you when approved. The guidelines state that extensions will be granted only under extraordinary circumstances.

Independent Charters: There is no provision in the law for an extension of a charter school audit (E.C. 47605(m)). For extraordinary circumstances, please notify your Sponsoring District and SCOE of a potential delay. Please include the reason for the extension request and the expected date of audit submission on Charter letterhead and send to Sponsoring District and SCOE via email or AV mail.

December 15	2021-22 audit reports must be filed with the SCO, CDE, and SCOE. A copy of the management letter, if issued, must be submitted along with the LEA's annual report.
January 31	Review the annual audit, audit exceptions, going concerns, findings, board recommendations and corrective action plans contained in the independent audit report at a public meeting, as a regular board agenda item [E.C. 41020.3(a)].
February 15	Submit to the County Office an <u>Audit Certification</u> verifying the Board has approved the Audit.
March 15	Submit to the County Office a <u>Certification of Corrective Action</u> adopted by the Board [E.C. 41020(j)(2)].
April 1	Submit to the County Office verification that the governing board has approved a contract for audit services for the current fiscal year.
April 30	County may schedule and meet with the respective audit firms for an entrance interview for districts with financial concerns. Discussion will be focused on the manner in which findings are written; review of the changes that have occurred in the State Controller's audit guide; specific concerns about individual districts with qualified or negative interim reports or with other going concern issues. Also, prior-year Certification of Corrective Actions will be reviewed with the auditors.
May 15	County shall certify to the Superintendent of Public Instruction that all LEA audits have been reviewed, that all exceptions required to be reviewed have been reviewed, and note any exceptions which have not been corrected or where a correction plan is not in place [E.C. 41020(k)].

In summary, each district should follow these steps:

Step 1:

- a) Request that your Board accept the 2021-22 Audit by **January 31st**.
- b) After the Board approves the Audit, complete the attached Audit Certification form and submit to SCOE Advisor by **February 15th**.

Step 2:

- a) Discuss with your Board any audit findings and corrective actions necessary (at a meeting on or before **January 31**).
- b) Complete the Certification of Corrective Action and the Audit Finding Corrective Action sheets, after resolution of all findings, and send to your SCOE Advisor by **March 15th**.
- c) If you prefer to complete steps 1 and 2 at the same time, submit both the Certification of Corrective Action and the Audit Finding Corrective Action sheets to SCOE on or before **March 15th**.
- d) Complete any and all Audit Adjustments by Second Interim Report, **at the latest, or immediately following board approval**.

Review the California State Accounting Manual (CSAM), Procedure 215, for more information on Audit Adjustments.

If you have questions, please call your SCOE Advisor or call the Director, External Fiscal Services at 524-2635. We appreciate your attention to this matter.

To assist with your understanding of the annual audit process, last year's Audit Review Process Manual has been attached.



AUDIT CERTIFICATION

2021-22 FINANCIAL REPORT/AUDIT

District/Charter Name Harmony USD Sonoma County, California

In accordance with Education Code section 41020.3, the Governing Board must review and accept the prior year's Financial Report/Audit, at a public meeting, on or before January 31st (or for charter schools pursuant to Education Code section 47605) and

THEREBY, as written verification of said review, the Governing Board reviewed and accepted

on February 16, 2023 the Annual Financial Report as of June 30, 2022.

(Signature) District Superintendent/Charter School Official

2/16/23
Date

Matthew Morgan
Printed name

Submit the original signature copy of the Audit Certification by **February 15, 2023** to your **SCOE Advisor** at:

Business Services
Sonoma County Office of Education
5340 Skylane Boulevard
Santa Rosa, CA 95403

SCOE Use only: reviewed by: _____ date reviewed: _____



CERTIFICATION OF CORRECTIVE ACTION

2021-22 AUDIT FINDINGS AND RECOMMENDATIONS

LEA Name Harmony USD
Sonoma County, California

- 2021-22 Certification of Corrective Action is hereby filed by the Governing Board of the school district.

Clerk/Secretary of the Governing Board

February 16, 2023
Date of Meeting

- 2021-22 Certification of Corrective Action

The Superintendent certifies that all corrective action(s) specified in the attached page(s) have been reviewed by the district's Governing Board and assures that corrective procedures have been implemented and will be used in the ensuing years.

District Superintendent

February 16, 2023
Date

For additional information

Contact: Stacy Kalember Phone: 707 874 1205

Submit original of the Certification of Corrective Action together with each Audit Finding Corrective Action form and corresponding documentation by **March 15, 2023** to your **SCOE Advisor** at:

Sonoma County Office of Education
5340 Skylane Boulevard
Santa Rosa, CA 95403

SCOE Use only: reviewed by: _____ date reviewed: _____

2021-22 AUDIT FINDING CORRECTIVE ACTION
due to SCOE by March 15, 2023 or immediately following board approval

LEA: Harmony USD

Finding Category: 40000 (see list at bottom of page)

Finding Number: 2022-001 **Page Number:** 73

- A. Describe below specific corrective action(s) used in resolving the audit finding.
B. Specifically address each individual item within the finding. Be certain that your responses are clear and concise. You will need to provide all documentation which supports the specific action taken toward resolving the finding; i.e., copies of amended reports, corrective action plans, etc.

Harmony Elementary will continue to follow-up with the CDE to ensure that the waiver is granted.

Harmony USD currently has 2 emergency days included in the school calendar.

Harmony USD obtained contacts and resources through PG&E to acquire a generator to supply power to the campus, so the district may stay open, through potential week-long power outages.

C. Did this finding require a corrective report? →

Yes

No

If yes, attach a copy of an acceptable plan of correction.

AB 3627 Finding Category Types

10000	Attendance
20000	Fixed Assets
30000	Internal Control
40000	State Compliance
42000	Charter School Facilities Program
50000	Federal Compliance
60000	Miscellaneous
61000	Classroom Teacher Salaries
62000	Local Control Accountability Plan
70000	Instructional Materials
71000	Teacher Misassignments
72000	School Accountability Report Card

SCOE Use only: reviewed by: _____ date reviewed: _____



Harmony Union School District

AGENDA ITEM

Meeting Date:	2/16/2023 - 6:00 PM
Category:	Action Items
Type:	Action
Subject:	10.6 Consideration of Revised Covid Protocols
Strategic Plans:	
Policy:	
Enclosure	

File Attachment:

HUSD COVID19 Student and
Family Handbook 2022-23
(1).pdf

Description:**Background
Information:****Fiscal Implications:**

Recommendation: That the Board approve the revised Covid protocols

Approvals:

Recommended
By:

A handwritten signature in black ink, reading "Matthew Morgan".

Matthew Morgan - Superintendent/Principal



Harmony
Union School District

STUDENT AND FAMILY HANDBOOK FOR COVID 19 SAFETY 2022-2023

February 14, 2023 Update

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Overview

Harmony Union School District (HUSD) goal is to ensure a safe and healthy environment for students, reduce the risk of COVID-19 transmission among students, and the public, and quickly respond to infections when they occur. This handbook has been developed in accordance with the most recent guidance from the California Department of Public Health (CDPH), Sonoma County Department of Health Services, Sonoma County Office of Education (SCOE), HUSD Board of Trustees and HUSD Administration. It is intended to serve as a helpful resource for students and families. The protocols and practices outlined within this document are effective as of the date noted on the cover page and in the page footers.

Noteworthy Changes in this Update

- **The HUSD Volunteer Policy:** Effective September 17th the California Department of Public Health and Sonoma County's public health department will no longer require school volunteers who have not been fully vaccinated against COVID-19 to take an antigen or PCR test before volunteering.
- **Testing Available:** HUSD no longer provides PCR tests. HUSD will continue to provide Over-the-Counter Antigen tests to families due to symptoms, exposures and returning from travel and vacations. Parents will be responsible for providing results to the school.
- **Acceptable Tests for Symptomatic Students to Return to School:** Results from professionally-administered rapid antigen tests or *At-Home* or *Over-The-Counter* tests will now be accepted to return to school when students experience symptoms of COVID-19.
- **Acceptable tests after a positive diagnosis:** Results from *At-Home* or *Over-The-Counter* tests are accepted to return to school after testing positive for COVID-19. Follow CDPH isolation protocols.
- **Outbreak Intervention/Management:** This process will be guided by local epidemiology, with particular attention paid to concern for in-school transmission, and conducted in collaboration with CDPH and SCOE. If temporary changes to HUSD COVID-19 safety policies and protocols are warranted in these instances, HUSD Administration and/or your student's school site will closely monitor the situation as well as communicate the specific details of the required changes and their duration depending on the scope and severity of the outbreak.
- **Masking:** Strongly recommended during in-class instruction, but not required. However, Administration may require masking for some indoor situations (recent exposures or outbreaks) and events as a precautionary measure.
- **Exposure Tracing and Notification:** As of June 30, 2022, CDPH has recommended that schools communicate to students and families. HUSD will continue to provide general exposure notification to students and families.
- **Isolation Protocols after Positive Diagnosis:** We have aligned with the CDPH guidance for isolation protocols and timeline for release from isolation when a student tests positive for COVID-19.

The requirements, recommendations and protocols outlined in this Student and Family COVID-19 Safety Handbook **apply to all extracurricular activities that are operated or supervised by HUSD schools as well as all activities that occur on a HUSD school site and/or include HUSD students, whether or not they occur during school hours.** Examples may include, but are not limited to, sports, band/chorus, clubs, special events, fundraisers and PTA or parent-led events/activities.



Harmony Union School District will continually monitor updates from state and county departments of public health and make adjustments to these protocols accordingly to ensure we remain aligned with requirements. Therefore, this document is intended to serve as a dynamic plan that will adapt to the many changes we will encounter as the school year continues. This plan will not address every situation, but we will face new challenges as they arise with transparency, resilience and partnership as we all work together as a school community to make the rest of this school year as safe, enriching and fun as possible for every member of our HUSD community.

Please remember, your input is helpful. Parents/Guardians and students are empowered with the authority and hold the responsibility to exercise their own individual leadership in encouraging health and safety considerations in all aspects of our school programs. As such, parents/guardians and students are encouraged to respectfully share their input and perspectives about District safety protocols with District/School leadership. As District/School leaders consider whether feedback can/will lead to a change in policy or protocols, please continue to honor the HUSD COVID-19 safety protocols in place until they are changed.

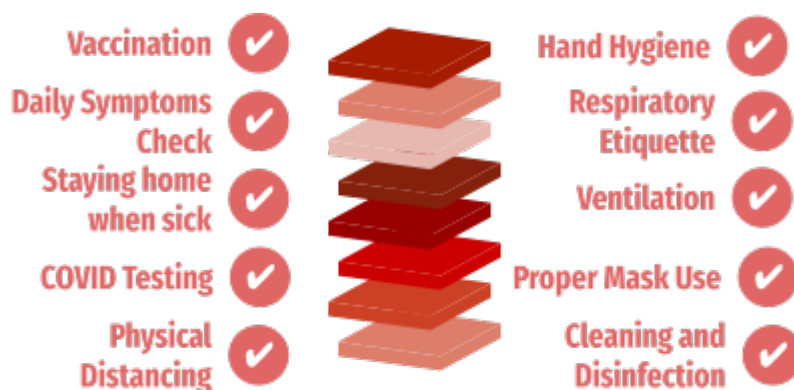
General Reminders to help us maintain a safe and healthy learning environment

Harmony Union School District is a community and minimizing the risk of COVID-19 in the school environment is a shared responsibility. Here are some general tips that are very helpful to keeping our students and schools safe:

- Check your household and your child each morning for signs of illness.
- Do NOT send your student to school if they exhibit any symptoms of COVID-19. Symptoms may appear 2-14 days after exposure to the virus. Contact your healthcare provider immediately to discuss testing for appropriate household members.
- Teach proper hand hygiene, avoiding contact with eyes, nose, and mouth, and covering coughs and sneezes.
- Teach your child not to comment or make assumptions regarding someone's beliefs or health status based upon their choice to wear or not wear a mask.
- Talk to your child about precautions to take at school to keep themselves and others safe.
- Instruct your child to visit the school health office only if they feel sick. It is a high-risk area.

Layered Prevention Strategies

Using layered prevention measures has been the cornerstone of our COVID-19 safety plan to limit COVID-19 infections and transmission in school. When one strategy cannot be employed, the other risk mitigation strategies take on greater importance. So, as conditions change throughout the pandemic, we ask all members of our community to continue to employ layers of risk mitigation protocols as appropriate.



Preventative Measures

When To Stay Home From School ▾

Students who have symptoms of infectious illness, such as influenza (flu) or COVID-19, should stay home and contact their healthcare provider for testing and care **regardless of vaccination status. Staying home when sick is essential to keep COVID-19 infections out of schools.** If your student has a **fever of 100.4°F or higher or any symptoms of illness.** If your child has **ANY ONE** of the following [more common symptoms of COVID-19](#), they should stay home and get tested for COVID-19, get an alternative diagnosis from a medical provider or stay at home and isolate following CDPH isolation protocols.

- | | |
|-----------------------------------------------|------------------------------|
| ★ Fever or chills | ★ New loss of taste or smell |
| ★ Cough | ★ Sore throat |
| ★ Shortness of breath or difficulty breathing | ★ Congestion or runny nose |
| ★ Fatigue | ★ Nausea or vomiting |
| ★ Muscle or body aches | ★ Diarrhea |
| ★ Headache | |

The presence of any of the symptoms above generally suggests a student has an infectious illness and should not attend school, regardless of whether the illness is COVID-19.

Students with chronic conditions, symptoms, or underlying health conditions may be at increased risk of severe illness should stay home and contact your medical provider.

Return to School After Experiencing Symptoms ▾

A student experiencing [symptoms of COVID-19](#), should follow the criteria for returning to school related to that diagnosis. The following are strong recommendations:

- proof of a negative test result has been submitted using the School Reentry Form (found on the home banner of your school's website or in the COVID-19 Hub on the HUSD website) **AND**
- Symptoms have improved or are resolving (lingering cough is OK) **AND**
- at least 24 hours have passed with no fever (without use of fever-reducing medications), **AND**
- no vomiting or diarrhea for at least 24 hours without use of medication
- you have not experienced any new symptoms consistent with COVID-19.

If your child was diagnosed with another illness / communicable disease, a clearance from the student's healthcare provider may be required for return to school after illness depending upon the illness. Please follow the HUSD Illness Policy.

Notify the School Immediately if COVID-19 Positive... ▾

All of the information indicated below will be kept confidential.

When a student tests positive for COVID-19...

Students who test positive for COVID-19, with or without symptoms and regardless of vaccination status, must stay home and **isolate** for at least 5 days, beginning the day after the day the first symptoms occurred, or beginning the day following the day the test was collected if asymptomatic.

Following is an overview of the required steps to complete isolation and return to school safely.

- **Step 1: Report positive results to the school site *immediately*** using the [COVID Test Results Form](#). Even if the student got tested through the HUSD testing solution (e.g. at the District Office), do not assume the school automatically knows test results. You may receive test results before the school/district, so reporting those results to the school right away will help us take timely and necessary action to respond to exposures in the school community.
- **Step 2: Isolate at home and do not participate in *any* school or community activities.** The standard isolation period after a positive result has been ten (10) days. Under the most recent [CDPH guidance](#), individuals who test positive *may* end isolation after a minimum of 5 days only under the following conditions:
 - Symptoms must not be present or improving, AND
 - No fever for at least 24 hours without the use of fever-reducing medication, AND
 - No vomiting or diarrhea for at least 24 hours without use of medication, AND
 - **After 5 days have passed**, students/families can submit negative test results from an antigen test to the student's school site to end isolation. Parents/guardians ***must complete a School Re-Entry Form*** which is available [electronically here](#).
- **Step 3:** Once approved to return, it is strongly recommended that **your student wear a well-fitting mask around others for a total of 10 days (from symptoms onset or test date if asymptomatic) for all activities on school campuses, especially indoors**. Please note, this recommendation includes sports and extracurricular activities.

Important Points Returning to School after a Positive Diagnosis ▾

- Do not return to school prior to ending 10 day isolation or until getting a negative rapid antigen test. Although PCR tests are acceptable, they are highly sensitive and tend to produce a positive result.
- At-home tests that are FDA-approved are acceptable.
- If your student is unable to test or chooses not to test, isolation can end after Day 10 (after symptoms onset or test date if asymptomatic) .
- In all cases, if fever is present, isolation should continue until fever resolves.
- If symptoms, other than fever, are not resolving, isolate until symptoms are resolving or after Day 10.

COVID-19 Vaccination ▾

COVID-19 testing remains a powerful tool for preventing transmission of COVID-19 in the school environment. Harmony Union School District is committed to helping our school community access testing resources. People who are fully vaccinated against COVID-19 are at lower risk of symptomatic or severe infection. COVID-19 vaccines are safe and effective; minimize the risk of getting and spreading the virus that causes COVID-19; and help prevent serious illness if diagnosed with COVID-19. Learn more about the different COVID-19 vaccines [here](#). **Everyone 6 months and older is now eligible for COVID-19 vaccination.** For more information about vaccines or assistance finding a vaccine near you, the following are trustworthy resources:

- Centers for Disease Control and Prevention:
 - [COVID-19 vaccines for children and teens](#)
 - Find a COVID-19 vaccine: Search [vaccines.gov](#), text your ZIP code to 438829, or call 1-800-232-0233 to find locations near you.
- State of California:
 - Safe Schools for All Hub (Parent Page): <https://schools.COVID19.ca.gov/>
 - California Department of Public Health: <https://www.vaccinateall58.com/>
- Sonoma County: <https://socoemergency.org/emergency/novel-coronavirus/vaccine-information/>

Preparing for Vaccination ▾

The experience of getting a COVID-19 vaccine will be very similar to the experience of getting routine vaccines. Below are some recommendations:

- Talk to your child before vaccination about [what to expect](#).
- It is not recommended you give pain relievers before vaccination to try to prevent side effects.
- Tell the doctor or nurse about any allergies your child may have.
- To prevent fainting and injuries related to fainting, your child should be seated or lying down during vaccination and for 15 minutes after the vaccine is given.
- After your child's COVID-19 vaccination, stay for 15–30 minutes so your child can be observed by a medical provider in case your child has a severe allergic reaction and need immediate treatment.

Types of COVID-19 Testing ▾

There are two types of COVID-19 diagnostic tests that show if you are currently infected with SARS-CoV-2, the virus that causes COVID-19.

- Molecular tests, such as [polymerase chain reaction](#) (PCR) tests which detect the genetic material of the virus.
- Antigen tests, often referred to as "rapid tests", detect specific proteins on the surface of the virus. Antigen tests can be professionally-administered rapid tests or over-the-counter (OTC, or "at-home tests").

PCR tests are the gold standard for COVID-19 testing. Positive results are highly accurate and considered confirmatory and are generally more accurate than at-home tests. Please note that not all of these tests are acceptable in all instances to return to school due to variances in accuracy, self-administration, etc. The following chart outlines which tests can be used in different situations.

How to Get Your Child Tested ▾

- You can visit **your child's regular medical provider**. Students, and families are welcome to submit test results from their own medical provider or preferred COVID-19 testing service.
- If you do not have a regular medical provider, or if you are not currently insured, here is a list of **free, confidential testing options provided by Sonoma County**:
<https://socoemergency.org/emergency/novel-coronavirus/testing-and-tracing/>
- To ensure that testing is accessible to all students , **Harmony Union School District offers free Over-the-Counter COVID-19 Antigen test kits** which can be picked up in the office at **no cost**.
-

Situation	PCR Test	Professional Rapid Antigen Test	Over the Counter / Rapid Antigen Test
I am experiencing symptoms consistent with COVID-19 and would like to return to school/work.	✓ *	✓	✓
I have tested positive for COVID-19 and I would like to end isolation after 5 days.			✓
I have been exposed <u>in the school setting</u> to someone with COVID-19 (e.g. I received an exposure notice from the school).	✓ *	✓	✓
I have had close contact <u>outside of the school setting</u> with a confirmed case of COVID-19.	✓ *	✓	✓
I am testing as a precautionary measure (e.g. regular surveillance testing, testing for special events like overnight field trips).	✓ *	✓	✓
I am required to test as a result of participation in a high-risk sport or extracurricular activity.	✓ *	✓	

* Unless tested positive for COVID-19 within the last 90 days.

Important: Over the Counter (OTC)/At-home tests are acceptable forms of testing as long as they have been approved by the [FDA Emergency Use Authorization \(EUA\) for COVID-19 Diagnosis](#).

Response to COVID-19 Cases

Multisystem Inflammatory Syndrome in Children (96MIS-C) ▾

Some children infected with COVID-19 develop an extremely rare condition called [Multisystem Inflammatory Syndrome in Children \(MIS-C\)](#). Children with MIS-C may have a fever and various symptoms, including abdominal (gut) pain, vomiting, diarrhea, neck pain, rash, bloodshot eyes, or fatigue. Contact your healthcare provider immediately if your child has any of these symptoms.

Graduated Return to Play after a Positive COVID-19 Diagnosis ▾

A growing body of research has developed over the course of the pandemic indicating that there may be a variety of potential complications to youth heart health after a positive diagnosis of COVID-19. **Children or adolescents who have tested positive for COVID-19 within the prior 6 months should visit their pediatrician/medical provider for a post-illness visit prior to returning to physical activity such as athletics or physical education.**

The American Academy of Pediatrics has published important information for families and caregivers as well as graduated Return to Play protocols which can be referenced here: ([AAP](#)). It is important to note that the student's primary care provider is responsible for clearing the student's safe return to play and the conditions under which that should happen. Harmony Union School District will comply with the recommendations of the student's medical provider.

Group Tracing Approach to Students Exposed to COVID-19

Harmony Union School District has adopted the [CDPH's recommended group tracing approach for students exposed to COVID-19](#) in the school environment. We are confident that this framework will allow for a quicker and broader response to cases identified in our schools as well as minimize disruption to our students' school experience when cases do arise. Prompt notification, access to testing, and proper isolation protocols layered with all of our other critical risk mitigation strategies like proper masking, diligent hand and respiratory hygiene, distancing and screening for symptoms daily will keep our schools safe, our community informed and our students in classrooms and enjoying their extracurricular activities.

Here's what that means for your student and family.

1. NOTIFICATION:

1. Each HUSD school will notify all students who spent more than 15 cumulative minutes (within a 24-hour period) in a shared indoor airspace (e.g. a classroom, team) with someone who has tested positive of COVID-19.
2. Notifications will be sent to all students/ considered exposed.
3. HUSD will send notification to families within 24 business hours of learning about the positive diagnosis.

2. TESTING:

1. It is recommended that exposed students, regardless of vaccination status or prior infection, get tested for COVID-19 within 3-5 days after last exposure.

- i. Any FDA-approved antigen diagnostic test, PCR diagnostic test, or over-the-counter (OTC) test is acceptable. To avoid a false positive reading, PCR tests should not be taken if your student has been identified as COVID-19 positive in the last 90 days.
2. Results should be reported to the school using the [COVID Test Results Form](#).
3. A positive result should be reported right away and the student should follow the isolation and return-to-school protocols outlined in this Handbook.
4. Students experiencing symptoms should stay home, get tested and follow the quarantine and return-to-school protocols outlined in this Handbook.

HUSD understands that testing resources are strained in our community and it can be difficult to fulfill the prescribed testing recommendations to safely remain or return to school. As such, Harmony Union School District is committed to helping our school community access testing resources to comply with these important guidelines. Here's how:

- For students or who receive a COVID-19 exposure notification, Over the Counter test kits will be stocked and available in the office free of charge for caregivers to administer testing for their child/household.
- We will continue to work with Sonoma County and community partners to promote and communicate free community testing clinics.

Important Points Returning to School after Exposure ▾

- Students do not need to quarantine after an exposure.
- Students may stay in school for in-person instruction after an exposure.
- Students may continue with extracurricular activities after an exposure.
- Students should stay home and get tested ASAP if symptoms develop.
- Testing is strongly recommended but not required to participate in school and school-related activities.

Health & Hygiene Practices at School

Face Coverings ▾

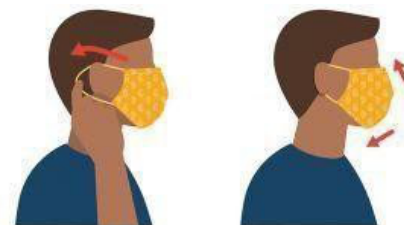
Masking remains a highly effective risk mitigation strategy. Therefore, students are encouraged to continue to bring an appropriate face covering to school each day. By changing the universal mask mandate from "required" to "strongly recommended", CDPH has empowered school sites to employ masking requirements as deemed necessary based on a variety of factors. As such, the following are representative examples of when masks may be required:

- Instances of significant increases in community level indicators of COVID-19 case rates and their trajectory (for example case rates >20/100k).
- Instances of epidemiologically-linked COVID-19 outbreaks and their trajectory in classrooms, schools, or club/extracurricular activities (including field trips) that include HUSD students and .
- Large indoor gatherings during the school day (e.g. assemblies, rallies, etc.)
- Large indoor gatherings after the school day (e.g. dances, Family Nights, Movie Nights, etc.)

- Large indoor gatherings where students and adults from different households may intermingle
- On buses for field trips when more than one class is being transported

Acceptable face coverings ▾

A face covering means: a covering made of material that covers only the nose and mouth and surrounding areas of the lower face. Research shows a KN95 masks provide better protection than surgical or cloth masks. A face covering includes a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that covers the nose and mouth.



Unacceptable face coverings ▾

- Bandanas, gaiters, scarfs, balaclavas, turtleneck collar, masks with a single layer of fabric, Halloween or plastic masks, ski masks with holes for the nose or mouth, or masks that have a one-way valve designed for easier breathing (the valves are often a raised plastic disk about the size of a quarter, on the front or side of the mask)
- Face coverings worn by students must be appropriate and meet district dress code requirements (*e.g.* no inappropriate fabric patterns, no Halloween masks, no hate symbols, *etc.*)

Wearing face coverings correctly ▾

- Wash your hands before putting on your face covering
- Put it over your nose and mouth and secure it under your chin
- Try to fit it snugly against the sides of your face
- Make sure you can breathe easily
- Avoid touching the face-covering while it is on. If you do need to touch or adjust the face covering, wash your hands right away.



Removing face coverings correctly ▾

Be careful not to touch your eyes, nose, and mouth when removing. Wash hands immediately after removing. CDC How to Safely Wear and Take Off a Cloth Face Covering ([English](#)) ([Spanish](#))

- Untie the strings behind your head or stretch the ear loops
- Handle only by the ear loops or ties
- Fold outside corners together
- Place covering in the washing machine (learn more about [how to wash face coverings.](#))



Hand Hygiene ▾

Frequent hand hygiene is one of the most important preventative practices to help slow the spread of COVID-19 and will be encouraged at school. We ensure adequate supplies to support healthy hygiene behaviors, including soap, tissues, trash receptacles, face coverings, and hand sanitizers with at least 60 percent ethyl alcohol for and children who can safely use hand sanitizer.

Students will wash their hands frequently throughout the day. Time for hand hygiene will be encouraged throughout the day including before eating; after coughing or sneezing; after classes where there is the potential to handle shared items, such as outside recreation, art, or shop; and before and after using the restroom.

Five steps to proper handwashing

1. Wet your hands with clean, running water (warm or cold), turn off the tap, and apply soap.
2. Lather your hands by rubbing them together with the soap. Lather the backs of your hands, between your fingers, and under your nails.
3. Scrub your hands for at least 20 seconds. Need a timer? Hum the "Happy Birthday" song from beginning to end twice.
4. Rinse your hands well under clean, running water.
5. Dry your hands using a clean towel or air dry them. You can find tips in this [Handwashing is a Family Activity](#) PDF.

How to use hand sanitizer

- Apply the hand sanitizer to the palm of one hand (read the label to learn the correct amount).
- Rub the sanitizer over all the surfaces of your hands and fingers until your hands are dry. This should take around 20 seconds.

Cough Etiquette and Other Important Health and Hygiene Practices ▾

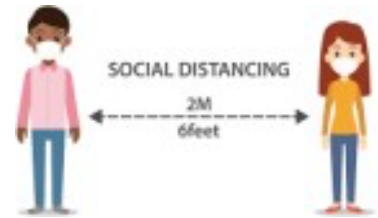
Please help us teach your child / children these important preventative measures to reduce the spread of COVID-19 and other illnesses.

- Cough and sneeze away from other people, and into a tissue or into the crook of the elbow, throw the tissue into the trash right away and wash hands.
- Avoid touching the eyes, nose, and mouth with unwashed hands.
- Avoid close contact with anyone who is sick.
- Maintain physical distance from others outside your home whenever



Physical Distancing ▾

Harmony Union School District will encourage courtesy distancing as often as feasible as a precautionary measure to minimize the possibility for close contact during times of heightened exposure risk.



Ventilation ▾

Improving ventilation can reduce the number of virus particles in the air. We maximize, to the extent feasible, the quantity of outside air for our buildings with mechanical or natural ventilation systems. Classroom HVAC systems have been adjusted for maximum fresh air circulation. HVAC units are checked on-site routinely to ensure proper operation, which includes replacing air filters on a rotating schedule. All of our HVAC units use upgraded air filters (MERV-13 where applicable).

In addition to normal air ventilation/airflow, we have purchased advanced HEPA filtration for all of our classroom and event spaces. HUSD has had the benefit of partnering with INTRINSIC Environmental Health and Safety who have conducted a full site analysis and ventilation design plan as well as provide ongoing monitoring and maintenance since returning to in person classes in spring 2021.

Cleaning and Disinfecting ▾

Harmony Union School District custodial follows the cleaning recommendations of the CDC and Cal/OSHA with routine cleaning and disinfecting of classrooms, restrooms, and all other school site areas. This includes cleaning high-touch surfaces such as pens, counters, tables, doorknobs, light switches, handles, stair rails, desks, keyboards, phones, toilets, faucets, and sinks at least once a day. In addition to general high-touch surface cleaning, custodial clean classrooms, restrooms and shared spaces at the end of each day and sanitize with an electrostatic sprayer each evening using a disinfectant consistent with EPA List N.

All cleaning products and supplies are EPA-approved. Further, cleaning products (e.g. disinfectants) are kept away from students and custodial is trained on proper use, application and requirements for cleaning, and disinfection.

Water Access ▾

Each site is equipped with hydration stations to refill water bottles throughout the day. Students should bring **a personal labeled water bottle of their own from home that they do not share.**

Since January 2023, all drinking fountains have been functional for student/ use. Since drinking from a water fountain requires unmasking, students are encouraged to come to school with their own water bottle, if possible, and remain socially distant from one another around water fountains.

HUSD COVID-19 Related Health Policies and Practices

School Health Office

Parents / guardians, teachers, and staff should instruct students to visit the school health office only if they are sick or injured. The school health office is a high-risk area that should only be used if medical assistance is necessary. If the health concern is not urgent, teachers and staff will attempt to resolve the matter with first aid interventions before sending a student to the school health office.

If you or your children are feeling worried or anxious, they can sometimes present with physical symptoms (e.g., headache, abdominal pain). [Help your child learn how to deal with that anxiety](#) in a healthy way.

If a student develops symptoms at school

If a child develops symptoms at school, parents / guardians will be contacted to pick up their child within 30 minutes. If the school is unable to reach the child's parents within 5 minutes, the emergency contact will be called to pick up the child. The student cannot wait in an isolation area for the rest of the school day. As such, we ask that parents / guardians always have a plan for picking up their child.

Care Bench ▾

Every school site has a Care Bench to isolate and care for students experiencing symptoms of COVID-19 during the school day. The care bench is separate and distinct from the nurse's office. Any symptoms or exposure related to COVID-19 should be directed to the care bench, while the nurse's office will be available for all non-COVID-19 injuries, illnesses and symptoms.

If a student develops a fever of 100.4°F or higher and/or symptoms consistent with COVID-19, your child will be placed in an isolation area and observed until they are picked up. **Students must be picked up within 30 minutes by the parent/guardian or an identified emergency contact.** Siblings and/or other household members attending school may remain at school but should closely monitor for symptoms for 14 days.

- If a student starts exhibiting symptoms, staff will assure the student is isolated from the rest of the class right away and escorted to the Care Tent for care.
- When the parent arrives to pick up their child, the school will provide information about the proper steps for a safe return to school.
- Please contact your child's healthcare provider to schedule an appointment and/or schedule COVID-19 testing. Your child will not be allowed to return to school until he/she has been without fever for at least 24 hours AND receives negative test results for COVID-19 from an acceptable COVID-19 test or completes the appropriate isolation (if tested positive).
- Please **inform your school** as soon as possible if your child / children are diagnosed with COVID-19.

Important Note: Children who are isolating or quarantining at home cannot participate either in in-person instruction or in any extra-curricular activities (including youth sports).

Return to School After Experiencing Symptoms

If your child tested positive for COVID-19 and had symptoms...

Isolate your child best you can in your household for a minimum of 5 days. Your child who tested positive for COVID-19 and had symptoms can return as early as day 6 with a negative at-home COVID-19 test taken on day 5. Your child should be symptom free and fever-free for 24 hours without the use of fever-reducing medications. See appendix [Scenario #1](#) for step by step instructions

If your child stayed home or was sent home because of COVID-19 symptoms.

If your child stayed home or was sent home for COVID-19 symptoms, they may return to school after they test negative for COVID-19 (from a PCR test or a professionally-administered rapid antigen test or at-home test) and/or after their healthcare provider provides an alternate diagnosis - e.g., migraine, strep throat - and their symptoms are improving and they are fever-free for 24 hours without the use of fever-reducing medications.

If students do not get tested or do not have an alternate diagnosis, they must be fever-free for 24 hours without the use of fever-reducing medications before returning to school. *Siblings and other household members attending school/* may come to school unless they begin to experience symptoms or it is determined that your child/children have been in close contact with a confirmed positive case. All household members must follow Sonoma County Public Health's [At Home Quarantine Guidance](#).

Food Service ▾

School meals are available and free for all HUSD students during the school day. Harmony Union School District uses a combination of outdoor and indoor spaces to safely serve students food each day. Generally, outdoor seating significantly reduces the risk of virus transmission. Therefore, with the exception of inclement weather and poor air quality days, HUSD strives to use additional spaces outside of the cafeteria/multi for mealtime seating to facilitate distancing as much as possible and maximize ventilation provided the areas are warm and dry.

Further, the considerations outlined below represent aggregated guidance from Sonoma County Department of Health Services, CDPH and the CDC and are intended to reduce transmission risk and minimize unmasked close contact when students are indoors during lunch.

- Including all lunch helpers, follow food safety protocols for meal preparation and service.
- Wash hands before, after and during shifts; before and after eating; after using the restroom; after handling garbage, dirty dishes/trays; and after removing gloves.
- Frequently touched surfaces are cleaned. Surfaces that come in contact with food are washed, rinsed and sanitized before and after meals. Tables are cleaned between class seatings.
- Ventilation is maximized as much as possible in food preparation/serving areas and seating areas. Windows/doors remain open (weather permitting) and Apache air scrubbers are running at all times.
- Areas where students are required to wait facilitate distancing as much as possible and groups arriving at the lunch area are staggered as much as possible to minimize crowding.
- Students should wash hands and/or sanitize on their way into and out of the lunch area.
- Students should absolutely not share/trade food or drinks.

Visitor Policy ▾

Generally, Harmony Union School District tries to minimize non-essential visitors (including parents, where applicable) on campus. However, visitors will now be allowed on campus for special events. Student assemblies, parent meetings, special performances, and community events will be conducted in-person as allowed by health guidelines whenever and/or via a virtual platform, if possible. School sites will communicate the special events that visitors are welcome to attend. Visitors do not need to submit essential volunteer paperwork and documents but must follow all campus safety protocols.

Volunteer Policy ▾

Harmony Union School District promotes and celebrates volunteers on campus to support students. Below is our current guidance for volunteers for this school year.

Anyone interested in being an athletic, classroom, field trip, or parent volunteer, should contact the school they would like to support. Administration and teachers retain discretion to determine if they need an essential volunteer. If the school has a need for volunteers, prospective volunteers will need to complete the District's [volunteer application](#). In some cases, fingerprinting will be required. HUSD welcomes volunteers regardless of their vaccination status. Also, volunteers no longer need to be immediate household members of a student in a given class to volunteer inside a classroom.

Volunteers no longer have to provide documentation of their vaccination status or test prior to volunteering at school sites ([Click here](#) for more information). Volunteers are expected to adhere to all COVID-19 mitigation protocols including screening for symptoms before arrival to the school site as well as all regular [guidelines for school volunteers](#).

Field Trips ▾

All students may participate in field trips regardless of vaccination status. As with overnight trips, field trips will be carefully considered on a case-by-case basis. If there is a compelling curricular reason for a field trip and it can be done within the stable classroom cohort, each school site will follow the *HUSD Classroom Field Trip Checklist*. In the event a field trip is approved, all COVID-19 mitigation strategies will be followed, including masking (when appropriate), hand hygiene, physical distancing (especially during snack and meal times), adherence to volunteer requirements, and fidelity to classroom cohorts on the bus/car transportation and throughout the field trip as much as practicable.

Overnight Field Trips ▾

Safe and full in-person instruction remains our **primary goal** for the year. At the same time, Harmony Union School District promotes and celebrates hands-on, experiential learning opportunities and curricular-based field trips and overnight field trips for students. We believe that we can allow for these opportunities for our students without compromising our commitment to a safe school environment.

Overnight field trips will be carefully considered on a case-by-case basis. If approved, it is important to note that they could be canceled due to an updated County Health Order.

Below is our current policy for overnight field trips:

For Students

All students may participate in overnight field trips regardless of vaccination status. To ensure as safe of an environment as possible during these events, all students who wish to participate in an overnight field trip must adhere to the following safety protocols:

- All students attending must complete a COVID-19 Liability Waiver (Attached to the permission slip form)
- All students who wish to attend an overnight field trip must participate in a closely monitored testing protocol both before and during the event.



- Before Departure:
 - All students must take a COVID-19 antigen test within 24 hours of leaving for the field trip. Parents must submit test results to the school site prior to departure.
- During the trip:
 - All students will be asked to take a self-administered rapid antigen COVID-19 test every other morning, starting with the first day, during the field trip. This test administration will be supervised by school staff. Students who receive a positive result will isolate until they can be picked up. Harmony Union School District will not be able to provide transportation home for students who test positive during the trip.

For Parents/Guardians

When signing the [COVID-19 Liability Waiver](#), it is important for parents/guardians to consider that they are responsible for picking up a student if they become ill or test positive for COVID-19 during the trip. For example, if a child has traveled out of the County or State for a Harmony Union School District-sponsored event, and tests positive during the trip, the parent or guardian will be required to travel to the destination and immediately assume responsibility for ensuring that their child safely returns home after a positive diagnosis. **Harmony Union School District cannot provide extended oversight, lodging, or care for students who may not be able to return home due to a positive diagnosis.**

For Staff/Volunteers

All staff members and volunteers who participate in the overnight field trip must adhere to the same risk mitigation protocols as the students, including the testing requirements outlined above.

COVID-19 Contacts by School

The designated person at each site listed on the following page is responsible for:

- Maintaining communication systems that allow families to self-report symptoms and receive prompt notifications of exposures while maintaining confidentiality.
- Providing impacted individuals with family-student guidance documents, including materials in Spanish as needed.
- Responding to COVID-19 concerns.

COVID-19 Team			
Wellness & COVID-19 Coordinator	Matthew Morgan	707-874-1205	mmorgan@harmonyusd.org
COVID-19 Assistant	Suzi Heron		sheron@harmonyusd.org
Health Tech	Susan Timko		Stimko@harmonyusd.org



HUSD Health and Wellness Policies and Support

Immunizations ▾

The COVID 19 vaccination is recommended but not required for students, staff and volunteers. Information about required vaccinations required for attendance can be found at www.shotsforschool.org.

Flu Vaccine ▾

Sonoma County Public Health strongly recommends that all Sonoma County residents 6 months and older get their seasonal flu vaccine. Find more information about the flu vaccine [here](#).

Attendance Policies

To report an illness or absence, please contact your school office. Parents / guardians should inform the school if their child / children *or a household member* (including a caregiver):

- 1) Is being evaluated for COVID-19; or,
- 2) If they test positive for COVID-19; or,
- 3) If they may have been exposed to COVID-19.

Student absences related to illness and/or quarantine will comply with CA Ed Code. Please contact the School Principal or Administrative Assistant at your student's school. This information will be kept confidential.

Independent Study

The HUSD does not offer an extended independent study program for enrolled students. Families interested in an independent study program for their child may inquire with the office for local public schools that offer independent study programs, including Pathways Charter, which is authorized by the Harmony School District. Please contact the office for additional information (707) 849-1205

Additionally, students will have the option to participate in on-campus events at the school that is associated with their Online Independent Study Program (see the list below).

Health and Wellness Support and Services

The [HUSD Health and Wellness Hub](#) provides information about Federal, State, local and District resources and services available on a wide range of mental and physical health-related topics.

Community Clinics

You can find a list of community health centers and clinics in Sonoma County on the [Redwood Community Health Coalition's website](#). These health centers and clinics are dedicated to providing high quality, affordable health services to families and children and will serve uninsured/underinsured families.

Appendix

Common Scenarios

Scenario #1: I am a student and I have tested positive for COVID-19. What steps do I need to take to get back to school?

- Step 1: Report your positive result to your school site *immediately*. Even if you got tested through the HUSD testing solution (e.g. at the District Office), do not assume the school automatically knows your result.
- Step 2: Isolate at home and do not participate in *any* school or community activities. The standard isolation period after a positive result has been ten (10) days. **CDPH guidance, individuals who test positive *may* end isolation after a minimum of 5 days only under the following conditions:**
 - Symptoms must not be present or improving
 - **After 5 days have passed**, you can submit negative test results from an antigen test to your school site to end isolation. Parents/**guardians *must* complete a** School Re-Entry Form which is available [electronically here](#).
 - Once approved to return, your student is strongly recommended to wear a mask, from day 6 through 10 for all activities on school campuses including outdoors.

Important points

- Do not return to school until getting a negative rapid antigen test. Although PCR tests are acceptable, they are highly sensitive and tend to produce a positive result.
- At-home tests that are FDA-approved are acceptable.
- If your student is unable to test or chooses not to test, isolation can end after day 10.
- In all cases, if fever is present, isolation should continue until fever resolves.
- If symptoms, other than fever, are not resolving, isolate until symptoms are resolving or after day 10.

Scenario #2: I am an unvaccinated student. I was exposed to someone with COVID-19 and one or more of the people are unmasked.

In this scenario, you are not required to quarantine.

- Recommend to test within 3-5 days after last exposure.
- If testing positive, follow isolation recommendations in Scenario #1.
- Should wear a well-fitting mask around others for 10 days, especially in indoor settings.
- If symptoms develop, test and stay home.

Scenario #3: I am a student who has been exposed to a positive case on campus and is not fully vaccinated and/or have not provided proof of vaccination to the school.

In this scenario, you are not required to quarantine.

- Recommend to test within 3-5 days after last exposure.
- If testing positive, follow isolation recommendations in Scenario #1.
- Should wear a well-fitting mask around others for 10 days, especially in indoor settings.
- If symptoms develop, test and stay home.

Scenario #4: I am a student who was exposed to COVID-19 on campus. I am fully vaccinated. Do I quarantine or not?

In this scenario, you are not required to quarantine.

- Recommend to test within 3-5 days after last exposure.
- If testing positive, follow isolation recommendations in Scenario #1.
- Should wear a well-fitting mask around others for 10 days, especially in indoor settings.
- If symptoms develop, test and stay home.

Scenario #5: I am a student who was exposed to a positive case OFF CAMPUS and I am:

- **Regardless of Vaccination Status**
 - The student may attend school if they are asymptomatic and the positive case is isolated away.
 - Testing is recommended as soon as possible to determine infection status and again 5 days after being exposed. If symptoms develop, isolate and COVID-19 test.

Resources

- **California Department of Public Health (CDPH):**
 - [COVID-19 Public Health Guidance for K-12 Schools in California:](#)
 - [CDPH K-12 Q&A / FAQ](#)
 - [CDPH Guidance for Face Coverings](#)
 - [CDPH Recommended Action to Provide General Notification to Students Exposed to COVID-19 in a K-12 setting](#)
 - [Guidance for Local Health Jurisdictions on Isolation and Quarantine of the General Public](#)
- **State of California Safe Schools for All Hub**
- **County of Sonoma Emergency Readiness, Response and Recovery:**
 - COVID-19 Cases & Resources:
<https://socoemergency.org/emergency/novel-coronavirus/coronavirus-cases/>



- Emergency Preparedness: [Sonoma County Emergency and Preparedness Information](#)
- **Sonoma County Office of Education:**
 - [Coronavirus Information for Schools and Families](#)
- **American Academy of Pediatrics:**
 - [COVID-19 Guidance for Safe Schools and Promotion of In-Person Learning](#)
- **Harmony Union School District COVID-19 Hub:** <https://www.harmonyusd.org/domain/48>
 - The COVID-19 Hub on the district website includes information and resources, including free community support services, available to individuals and households impacted by COVID-19.
- **Harmony Union School District website:** www.harmonyusd.org
- For questions about COVID-19 safety and resources, please call the Sonoma County Health and Human Services phone call center at (707) 565-4400.

For questions about HUSD COVID-19 policies and protocols, please call the **HUSD Office at 707-874 1205**.

Glossary of Terms (CDPH)

Isolation:

You **isolate yourself when** you have been infected with the virus, even if you do not have symptoms. If you have symptoms that could be from COVID-19, you also must isolate until you know you are not infected, usually after you have a negative COVID-19 test.

Quarantine:

Restricts the movement of persons who were exposed to a contagious disease in case they become infected.

Close Contact:

Someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane etc., for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5-minute exposures for a total of 15 minutes) during an infected person's (laboratory-confirmed or a clinical diagnosis) Infectious period.

Exposure - Infectious Period:

The infectious window for COVID-19, the time in which someone can transmit the virus to others, begins 2 days prior to symptom onset, or 2 days prior to test collection test date if the person does not have symptoms. The person will continue to be infectious for at least 5 days after symptom onset. Anyone who had close contact with a positive case while they were infectious is considered exposed.

Fully Vaccinated:

Student: Defined as having received the second vaccination dose at least two weeks prior.

Unvaccinated:

Student: Defined as not having received the two full doses of the vaccine at least two weeks prior.



COVID-19 Positive Isolation Timeline

Anyone who has tested positive should stay home and isolate for a minimum of **5** days, beginning the day after their symptom onset (or the day after their positive test collection date, if no symptoms).

Day 0 = mm/dd (symptom onset or test date)

Day 5 = mm/dd (last full day of isolation if symptoms not present or resolving AND a diagnostic specimen* collected on day 5 or later tests *negative*). If unable to test or choosing not to test, and symptoms are not present or are resolving,

Isolation can end after day 10

- If fever is present, isolation should be continued until fever resolves.
- If symptoms, other than fever, are not resolving, continue to isolate until symptoms are resolving or until after day 10.

Day 6-10 = mm/dd-mm/dd (should wear a well-fitted mask around others if released after day 5)

Day 10 = mm/dd (last full day of isolation if ineligible for earlier release)

Day 11 = mm/dd (release date if ineligible for earlier release)