

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT  
BOARD MEETING MINUTES**

**Thursday, October 13, 2022, 6:00 P.M. adjourned to Tuesday, October 18, 2022, 6:00 P.M.  
BOARD ROOM, CUYAMA ELEMENTARY SCHOOL  
2300 Hwy 166, New Cuyama CA 93254**

Join Zoom Meeting

<https://us06web.zoom.us/j/88941373656?pwd=MGI0QW5rQmlaanFjbEJJQ1k1c3ZWdz09>

Meeting ID: 889 4137 3656

Passcode: uPT69S

I. The meeting will be called to order by **Board Clerk, Emily Johnson** at **6:05 P.M.**

ROLL CALL:

Heather Lomax \*P Whitney Goller \*P Emily Johnson P Jan Smith P

Michael Funkhouser P

**Mrs. Jan Smith joined the meeting via Zoom.**

**\*Mrs. Heather Lomax joined the meeting via Zoom to discuss and vote on the three provisional board candidates. Mrs. Lomax left the meeting after the board took action to appoint three provisional board members in lieu of appointment. Section VII-Action item b. was the first order of business for this meeting.**

**\*Mrs. Whitney Goller joined the meeting via Zoom after the board took action to approve the three provisional board members. Mrs. Goller was not present for the vote on her provisional board member appointment. She joined the meeting after this action item was completed.**

Alfonso Gamino P Superintendent

FLAG SALUTE: Led by **Mr. Michael Funkhouser**

II. PUBLIC FORUM:

Following recognition by the President, members of the public shall have an opportunity to address the Board of Trustees either before or during the Board's consideration of each item of business to be discussed. In order to efficiently manage the business of the Board, the Board President may limit the amount of time allocated for each individual speaker to 3 minutes and limit the total time allocated on a particular issue to 15 minutes, pursuant to board policy. Items not appearing on the agenda cannot, by law, be the subject of Board action. Such items may be placed on future agendas for full discussion and/or action.

**No public comments**

**III. SUPERINTENDENT'S REPORT:**

**School District Activities Update**

**1. Attendance**

**Mr. Gamino reported that as of October 17, 2022, the student attendance report showed that:**

**Cuyama Elementary School:**

- a. Enrollment of 124 students with 92% attendance rate**

**Cuyama Valley High School**

- a. Enrollment of 60 students with 90% attendance rate**

**2. 2020-2021 (High School 2018-2019 & 2021-2022) & 2021-2022 CAASPP ELA and Math District Performance data informational item Pg. 1-4**

**Mr. Gamino provided a report on academic performance of students over the last few years.**

**Cuyama Elementary School:**

- a. 2020-2021: ELA and Math CAASPP scores of 25.29% and 6.9% respectively met or exceeded ELA and Math standards.**

- b. 2021-2022: ELA and math CAASPP scores of 31.33% and 14.64% respectively met or exceeded ELA and Math standards.**

**This is an increase of 24% in ELA and 112% increase in Math.**

**Cuyama Valley High School:**

- a. 2018-2019: ELA and Math CAASPP scores of 18.18% and 0.00% respectively met or exceeded ELA and Math Standards**

- b. 2021-2022: ELA and Math CAASPP scores of 64.29 and 28.58% respectively met or exceeded ELA and Math standards.**

**This is a huge increase over the 2018-2019 scores.**

**Mrs. Whitney Goller: This is evidence/validation that in-person instruction is more effective for our students. Thanked all teachers and support staff for the work they've done over the last few years.**

**Jan Smith: Thanked the staff for all their efforts to support student growth.**

**Heather Lomax: Thanked the work of the staff for making a difference.**

**Emily Johnson: Express ed appreciation for the work the school district has engaged in over the last couple of years.**

**Michael Funkhouser: Thanked teachers and support staff and the board for the work they have done over the last couple of years.**

3. Transportation staff/routes update

**The district received a resignation letter from one of our newly hired maintenance II/Bus Driver employees. The District will advertise for the position. This means we will continue to drive two bus routes for the immediate future. There will be days where only one bus route will be provided. The district has a one bus route schedule and sent it out to all of our families.**

4. Other - None

#### IV. Board Reports

**Emily Johnson: Reported that Artist Vanessa DeCouto is an artist who will be in Cuyama October 16-November 5, 2022. She will work with high school and elementary school teachers and students on activities such as collage workshops, sound collage, song writing, instrument petting zoo, and/or other activities.**

**Jan Smith: Jan expressed her appreciation for being on the board. She also mentioned that she will be working with Nicole Furstenfeld at elementary school to plan possible field trips and apply for a grant to support our school possibly with an art/history of Cuyama Valley project. Initial stages of the conversation.**

#### V. CONSENT AGENDA:

The Board will consider the following consent calendar items. All items listed are considered to be routine and noncontroversial. Consent items will be considered first and may be approved by one motion if no member of the CJUSD Board wishes to comment or discuss. If comment or discussion is desired, the item will be removed from the consent agenda and considered in the listed sequence with an opportunity for any member of the public to address the CJUSD Board concerning the item before action is taken.

1. Minutes of the September 8, 2022, Regular Board Meeting. Members present: Heather Lomax, Whitney Goller, Emily Johnson, Michael Funkhouser, and Jan Smith. Heather Lomax, Emily Johnson, and Jan Smith joined via Zoom. **Pg. 5-14**
2. Checks Board Report and Warrants September 1-30, 2022. **Pg. 15-46**
3. Yearbook fundraiser: Selling business & Senior ads for the yearbook; these ads will help reduce the individual student cost Request made by Mrs. Angelique Cannon. **Pg. 47-48**
4. School Garden /ASB concession fundraiser (Cuyama Elementary School): Concessions at the Peddler's Market on Saturday, October 29, 2022. Advisor is Nicole Furstenfeld. **Pg. 49-50**
5. Field Trip request: 4<sup>th</sup> -8<sup>th</sup> grade students going to the Santa Barbara Pistachio Farms on this career exploration trip on October 17, 2022. Curriculum based field trip submitted by Nicole Furstenfeld (SWP funded). Submitted by Mrs. Furstenfeld. **Pg. 51-54**

6. Field trip request 12<sup>th</sup> grade to Tide Pools/Avila/Montana de Oro on October 27, 2022. Extension for Environmental Science. (SWP funded). Submitted by Mr. Lebsack. **Pg. 55**
7. Field trip request: Senior Trip to Disneyland for March 29, **2023**, submitted by Mr. Lebsack. (ASB funded field trip). **Pg. 56**
8. Field trip request: Best Informed Greenhand at Nipomo High School on November 1, 2022. Submitted by Mr. Lebsack. **Pg. 57-58**
9. Williams report for third quarter July – September 2022 **Pg. 59**

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Disneyland trip for Seniors will take place on March 29, 2023.**

**Mrs. Lomax exited the meeting prior to this consent agenda item.**

**Approved 4-0**

VI. Public Hearing on the resolution regarding sufficiency of instructional materials 2022-2023:

Public Hearing regarding the sufficiency of instructional materials 2022-2023: The Cuyama Joint Unified School District Board of Trustees opens this public hearing regarding the sufficiency of instructional materials for 2022-2023. **Pg. 60**

**Public hearing opened at 6:04 p.m.**

**Mr. Kevin Lebsack (CVHS teacher): Stated that the school has the books and materials teachers need and teachers are provided an opportunity to order the books and materials they need each year.**

**No other public comments.**

**Public Hearing closed at 6:06 p.m.**

VII. Action Items:

- a. It is recommended that the board approve resolution 2022/2023:01 regarding sufficiency of instructional materials for the fiscal year 2022-2023. **Pg. 61-62**

Moved By: Emily Johnson

2nd By: Michael Funkhouser

Roll Call Vote:



Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Approved 4-0**

b. It is recommended that the board discuss and approve the following Board provisional appointments in lieu of election. The provisional appointment starts December 2022 and runs for two years through November 2024. **Pg. 66**

1. Whitney Goller **Pg. 63**

Moved By: **Emily Johnson**

2nd By: **Heather Lomax**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Not present** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Mrs. Whitney Goller was not present for discussion or for the vote. Mrs. Goller joined the board meeting via Zoom after the provisional appointments were discussed and approved for all three provisional appointees.**

**Approved 4-0**

2. Michael Funkhouser **Pg. 64**

Moved By: **Emily Johnson**

2nd By: **Heather Lomax**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Not present** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Abstain and not in board room for discussion and action**

**Mr. Funkhouser stepped out of the board room prior to discussion and action regarding his candidacy for provisional appointment to the Cuyama Joint Unified Board of Trustees.**

**Approved 3-0**

3. Jeffrey Mitchell **Pg. 65**

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax **Y** Whitney Goller **Not present** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Mr. Mitchell stated that he has been in the community for 20 years. He has two children attending our Cuyama Elementary School and he wants to support our students, district, and community.**

**Mrs. Goller joined the board meeting right after this action item. The board then returned to the consent agenda item to continue the order of the agenda business.**

**Approved 4-0**

c. It is recommended that the board review and approve the agreement between Santa Barbara Education Office and the Cuyama Joint Unified School District for Social Emotional Learning Focus School Support. **Pg. 67**

Moved By: **Michael Funkhouser**

2nd By: **Emily Johnson**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Approved 4-0**

d. It is recommended that the board review and approve the K12 Strong Workforce Program round 5 funding Statement of Assurance that will be submitted to Santa Barbara County Education Office. **Pg. 68**

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Mr. Lebsack was in attendance to answer questions. Mr. Gamino informed the board that Mr. Lebsack has been very successful applying for grant funding over the years. Mr. Lebsack continues to seek grants that benefit our students.

**Approved 4-0**

e. It is recommended that the board discuss and approve the October 18, 2022, personnel activity report **Pg. 69-70**

Moved By: **Jan Smith**

2nd By: **Whitney Goller**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Mr. Lebsack gave the rationale why Kendy Fetterman will be taking over the FFA stipend and sharing the summer CTE grant days (10 days each during the summer) with Mr. Lebsack. Mr. Lebsack very pleased with his assignment and wants to be proactive by transitioning Mrs. Fetterman to the assignment.

Jan Smith appreciates the dedication of Mr. Lebsack's work.

Whitney Goller: Thanked Kevin for sharing his knowledge and experience so that our students continue to benefit. She also thanked Kendy Fetterman for stepping forward and supporting the students and programs.

**Approved 4-0**

f. It is recommended that the board review and approve the Cuyama Joint Unified comprehensive school safety plan (CSSP)-Emergency Response and Procedures. California Department of Education requires each district to approve the plan in the month of October 2022. **Pg. 71-248**

Moved By: **Emily Johnson**

2nd By: **Jan Smith**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

Mr. Funkhouser stated he read the whole plan and was impressed as it was detailed. He asked if board members can come and observe the earthquake drill and fire drill that will take place this week.

**Mr. Gamino invited all board members that they can come and observe the earthquake drill and fire drill this week. Mr. Gamino also stated the plan has been discussed at a staff meeting and at a maintenance safety meeting. The plan will continue to change over the year.**

**Approved 4-0**

g. It is recommended that the board approve the Extension of teleconference flexibility During the proclaimed State of Emergency (Government Code section 54953 (b)(3). It is recommended that the Board consider the current state of emergency and make a finding that state and local officials continue to recommend some measures to promote social distancing. This motion it to extend this flexibility until November 15, 2022, the time period for teleconferencing without complying with the usual requirements of Government Code section 54953(b)(3) based on the finding that state or local officials continue to impose or recommend measures to promote social distancing. In addition, Assembly Bill 361 extends this flexibility through January 1, 2024. **Pg. 249-264**

Moved By: **Michael Funkhouser**

2nd By: **Jan Smith**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

**Michael Funkhouser Y**

**Mr. Gamino stated that this agenda item will continue to be brought to the board each month until end of February 2023. This is when the Covid Emergency will end.**

h. It is recommended that the board review and approve, as a first reading, the September 2022 Board Policy updates for Cuyama Joint Unified School District.

1. CSBA Policy Guide **Pg. 265-268**
2. BP and Adm. Regulation 3515.3 - District Policy/Security Dept. **Pg. 269-286**
3. BP and Adm. Regulation 4118 – Dismissal/Suspension/Disciplinary Action **Pg. 287-310**
4. BP 4119.1/4219.1/4319.2 - Civil Rights **Pg.311-316/pg.371-376/Pg. 403-408**
5. BP 4140/4240/4340 - Bargaining Units **Pg. 317-324/Pg. 377-384/Pg.409-416**
6. Adm. Regulation 4161.2/4261.2/4361.2 – Personal Leaves **Pg. 325-336/Pg.385-396/Pg.417-428**
7. Adm. Regulation 4161.5/4261.5/4361.5 – Military Leave **Pg.337-342/Pg. 397-402/Pg.429-434**
8. BP 4216 – Probationary/Permanent Status **Pg. 343-344**
9. BP and Adm. Regulation 4218 – Dismissal/Suspension/Disciplinary Action **Pg.345-364**
10. BP 4218.1 – Dismissal/Suspension/Disciplinary Action (Merit System) – Cuyama is

- is not a Merit District – Do not adopt. **Pg. 365-370**
11. BP 6146.1 – High School Graduation **Pg.435-444**
  12. **DELETE** - Adm. Regulation 6146.1 – High School Graduation Requirements
  13. BP and Adm. Regulation 6158 – Independent Study **Pg. 445-466**
  14. BP 6146.2 – Guidance/Counseling Services **Pg. 467-476**
  15. BP and Adm. Regulation 6178 – Career Technical Education **Pg. 477-496**
  16. BP and Adm. Regulation 6200 – Adult Education **Pg. 497-508**
  17. BP 7110 – Facilities Master Plan **Pg. 509-516**
  18. BP and Adm. Regulation 7150 – Site Selection and Development **Pg. 517-524**
  19. Board Bylaw 9100 – Organizational **Pg.525-528**
  20. BP 4030 – Nondiscrimination in Employment - **No need to update current policy**
  21. BP 4154/4254/4354 – Health and Welfare Benefits **Pg. 529-540**

Moved By: \_\_\_\_\_ 2nd By: \_\_\_\_\_

Roll Call Vote:

Heather Lomax \_\_\_\_\_ Whitney Goller \_\_\_\_\_ Emily Johnson \_\_\_\_\_ Jan Smith \_\_\_\_\_

Michael Funkhouser \_\_\_\_\_

**Tabled to the November 10, 2022, board meeting.**

**Mr. Funkhouser stated that these updates are minor edits to the policies to make sure they are in compliance with current law. He read through the policies and believes the minor edits are fine as California School Board Association (CSBA) presents the updates.**

**This agenda item was tabled to give board members time to review the CSBA guide on those minor changes to current policy. The first reading of these policy updates will be brought forward at the November 10, 2022, board meeting.**

**At the board's request, the board will bring back this board policy updates packet to the November 10, 2022, board meeting so the district does not have to print another set of copies.**

i. It is recommended that the board discuss and approve AB 1200 Public Disclosure regarding the July 1, 2021 – June 30, 2023, financial impact of the CUE/CTA Collective Bargaining Agreement report. **Starting on Page 555**

Moved By: **Whitney Goller** 2nd By: **Jan Smith**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Terri King, Business Manager reviewed the AB 1200 Public District Disclosure of proposed Collective Bargaining Agreement with CUE/CTA regarding financial impact of this agreement on current year (2022-2023) and subsequent years.**

**Approved 4-0**

j. It is recommended that the board discuss and approve the Tentative Agreement between the Cuyama Joint Unified School District and the Cuyama Unified Educators CTA/NEA for the period of July 1, 2021 – June 30, 2023. **Pg. 541-554**

Moved By: **Emily Johnson**

2nd By: **Whitney Goller**

Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Approved 4-0**

**VIII. ITEM(S) PULLED FROM CONSENT AGENDA: NONE**

1. \_\_\_\_\_  
\_\_\_\_\_

Moved By: \_\_\_\_\_ 2nd By: \_\_\_\_\_

Roll Call Vote:

Heather Lomax \_\_\_\_\_ Whitney Goller \_\_\_\_\_ Emily Johnson \_\_\_\_\_ Jan Smith \_\_\_\_\_

Michael Funkhouser \_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_

Moved By: \_\_\_\_\_ 2nd By: \_\_\_\_\_

Roll Call Vote:

Heather Lomax \_\_\_\_\_ Whitney Goller \_\_\_\_\_ Emily Johnson \_\_\_\_\_ Jan Smith \_\_\_\_\_

Michael Funkhouser \_\_\_\_\_

3.

Moved By: \_\_\_\_\_

2nd By: \_\_\_\_\_

Roll Call Vote:

Heather Lomax \_\_\_\_\_ Whitney Goller \_\_\_\_\_ Emily Johnson \_\_\_\_\_ Jan Smith \_\_\_\_\_

Michael Funkhouser \_\_\_\_\_

#### IX. CLOSED SESSION:

NOTE: The Brown Act permits the Board to consider certain matters in closed session, in limited circumstances. The Board will consider and may act upon any of the items described below in closed session. The Brown Act requires that the Board report out certain actions taken in closed session, which will be announced following the closed session. **WITH LIMITED EXCEPTIONS, THE LAW REQUIRES THAT INFORMATION DISCLOSED IN CLOSED SESSION REMAIN CONFIDENTIAL.**

A. Negotiations as it relates to CUE/CTA – Consult with District negotiators Mr. Tim Salazar and Mr. Alfonso Gamino, authorized by Government Code section 3549.1

B. Negotiations as it relates to CSEA Cuyama Chapter #288 – Consult with District negotiators Mr. Tim Salazar and Mr. Alfonso Gamino, authorized by Government Code section 3549.1

C. Conference with Legal Counsel – Existing Litigation – Government Code section 54956.9 (d)(1) Case Number BCV-21-101927  
Bolthouse Land Company, LLC et al. vs. All Persons Claiming a Right to Extract or Store Groundwater in the Cuyama Groundwater Basin (No. 3-013) et al..

The Board will adjourn into closed session at **7:51** p.m.

The Board returned to open session at: **8:51** p.m.

Report out from closed session

**Discussion no actions on closed session items A, B, and C.**

#### X. ADJOURNMENT:

Moved By: **Emily Johnson**

2nd By: **Michael Funkhouser**



Roll Call Vote:

Heather Lomax **Ab** Whitney Goller **Y** Emily Johnson **Y** Jan Smith **Y**

Michael Funkhouser **Y**

**Board meeting was adjourned at 8:52 p.m.**

Materials prepared in connection with an item on the regular session agenda may be reviewed in the Superintendent's office 72 hours in advance of the meeting and will be available for public inspection at the meeting. An individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code 54954.2)

**The next regularly scheduled School Board Meeting will be on  
Thursday, November 10, 2022; 6:00 p.m., Elementary School Board Room**

Materials related to an item on this Order of Business distributed to the Board of Education are available for public inspection at the District office and at: <https://cuyamaunified.org/board-materials-2022-2023/> using the "Click Here" links next to the date: 11/10/2022.

***USE OF RELAXED TELECONFERENCE PROCEDURES PER GOVERNOR'S COVID-19***

***EXECUTIVE ORDER:*** Notice of Teleconferencing Pursuant to Executive Order N-25-20 and Government Code section 54953: In order to mitigate possible impacts relating to the Coronavirus (COVID-19), the Board will conduct this meeting via teleconference or videoconference, with one or more board members participating from remote locations.

Members of the public wishing to observe the meeting or make public comments as authorized under Government Code section 54954.3 may do so at the following location: 2300 Hwy 166, New Cuyama, CA 93254, or via electronic participation by accessing the link provided as the beginning of the agenda. Voting at this meeting shall be by roll call.

**Checks Dated 10/01/2022 through 10/31/2022**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
01-712280	10/07/2022	Amazon Capital Services	01-4300		170.81
01-712281	10/07/2022	Brown & Reich Petroleum, Inc.	01-4381	1,733.90	
			01-4384	1,356.25	3,090.15
01-712282	10/07/2022	James Herrera	01-5100		360.00
01-712283	10/07/2022	Kern County Supt. Of Schools	01-4380	727.86	
			01-5640	259.21	987.07
01-712284	10/07/2022	Old Cuyama Do It Best	01-4300		135.00
01-712285	10/07/2022	Pacific Gas & Electric	01-5520		1,975.56
01-712286	10/07/2022	Quill Corporation	01-4300		221.15
01-712287	10/07/2022	Southern California Gas Co.	01-5510		134.50
01-712288	10/07/2022	Waldrop's Auto Parts	01-4380		267.32
01-713457	10/14/2022	Amazon Capital Services	01-4300		165.05
01-713458	10/14/2022	AUS West Lockbox	01-5550		322.00
01-713459	10/14/2022	Bakersfield Athletic Supply	01-4300		916.43
01-713460	10/14/2022	BENCHMARK AIR CONDITIONING	01-4300	393.96	
			01-5640	4,010.00	4,403.96
01-713461	10/14/2022	Country Auto & Truck	01-4380		196.84
01-713462	10/14/2022	Cuyama Community Services Dist	01-5530		886.76
01-713463	10/14/2022	Department Of Justice	01-5800		98.00
01-713464	10/14/2022	Harrison Street Automotive	01-5600		458.91
01-713465	10/14/2022	Home Depot Credit Services	01-4300		366.48
01-713466	10/14/2022	Imagine Learning LLC	01-5800	750.00	
			01-5835	12,500.00	13,250.00
01-713467	10/14/2022	Instructure, Inc	01-5835		5,000.00
01-713468	10/14/2022	Jordano's Food Service	13-4710		3,346.23
01-713469	10/14/2022	Marborg Disposal	01-5570		741.60
01-713470	10/14/2022	Verizon Business	01-5910		21.59
01-714521	10/21/2022	Brown & Reich Petroleum, Inc.	01-4381	1,989.17	
			01-4384	572.22	2,561.39
01-714522	10/21/2022	CANON FINANCIAL SERVICES, INC.	01-5600		1,309.14
01-714523	10/21/2022	Midway Laboratory, Inc	01-5800		75.00
01-714524	10/21/2022	Pacific Gas & Electric	01-5520		1,300.46
01-714525	10/21/2022	Purchase Power	01-5900		149.00
01-714526	10/21/2022	Quill Corporation	01-4300	36.09	
			01-5800	40.61	76.70
01-715359	10/28/2022	Lebsack, Kevin D	01-5800		1,051.71
01-715360	10/28/2022	American Business Machines	01-4300		15.00
01-715361	10/28/2022	BENCHMARK AIR CONDITIONING	01-4300	1,979.58	
			01-5640	2,072.50	4,052.08
01-715362	10/28/2022	Frontier Communications	01-5910		373.34
01-715363	10/28/2022	Home Depot Credit Services	01-4300		875.97
01-715364	10/28/2022	IEC Power, LLC	01-5640		1,319.98
01-715365	10/28/2022	Jordano's Food Service	13-4710		7,983.50
01-715366	10/28/2022	McGraw-Hill School Education	01-4100		3,299.73
01-715367	10/28/2022	MOXI	01-5800		158.00
01-715368	10/28/2022	Old Cuyama Do It Best	01-4300		38.39

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 10/01/2022 through 10/31/2022**

Check Number	Check Date	Pay to the Order of	Fund-Object	Expensed Amount	Check Amount
Total Number of Checks			39		<u>62,154.80</u>

**Fund Recap**

Fund	Description	Check Count	Expensed Amount
01	General Fund	37	50,825.07
13	Cafeteria Spec Rev Fund	2	11,329.73
Total Number of Checks		39	62,154.80
Less Unpaid Tax Liability			.00
Net (Check Amount)			<u>62,154.80</u>

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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## ReqPay05f

## Payment Register by BatchId/Check#

Batch AP10072022

Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor										
Amazon Capital Services (000201/1)										
PO Box 035184										
Seattle, WA 98124-5184										
F	2022/23	09/24/22	R23-00089	Balloons for HS back to school orientation	10/05/22	Paid	Cleared	32.92		32.92
2023 01-0000-0-0000-2700-4300-070-0000-0000										
Check #	01-712280						Check Date 10/07/22	PO# PO23-00088	Register # 000290	
F	2022/23	09/07/22	R23-00059	Wireless Display Adapter	10/04/22	Paid	Cleared	137.89		137.89
2023 01-0000-0-1110-1000-4300-070-0000-0000										
Check #	01-712280						Check Date 10/07/22	PO# PO23-00066	Register # 000290	
Total Invoice Amount								170.81		
AP Vendor										
Brown & Reich Petroleum, Inc. (002798/1)										
215 South 6th Street										
PO BOX 1076										
Taft, CA 93268										
2022/23	08/28/22	R23-00012	Diesel and Fuel FY 2023	31705	10/05/22	Paid	Cleared	3,090.15		3,090.15
2023 01-0000-0-0000-3600-4381-000-0000-7230										
2023 01-0000-0-0000-8100-4300-030-0000-WELL										
2023 01-0000-0-0000-8100-4384-000-0000-0000										
Check #	01-712281						Check Date 10/07/22	PO# PO23-00009	Register # 000290	
Total Invoice Amount								3,090.15		
AP Vendor										
James Herrera (002887/1)										
PO BOX 251										
New Cuyama, CA 93254										
2022/23	09/30/22	R23-00053	SPED StudentTransportatio	220930JH	10/04/22	Paid	Cleared	360.00		360.00
n Daily Rate Sept. 2022										
2023 01-0000-0-0000-3600-5100-070-0000-SPED										
Check #	01-712282						Check Date 10/07/22	PO# PO23-00051	Register # 000290	
Total Invoice Amount								360.00		
AP Vendor										
Kern County Supt. Of Schools (001195/1)										
1300 17th Street										
Bakersfield, CA 93301										

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

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## Batch AP10072022 (continued)

## Bank Account COUNTY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor Kern County Supt. Of Schools (001195/1) (continued)										
2022/23	09/20/22	R23-00090	Bus 4 repairs	300622	10/05/22	Paid	Cleared	259.21		259.21
	2023	01-0000-0-0000-3600-5640-000-BUS1-7230								
	2023	01-0000-0-0000-3600-5640-000-BUS2-7230								
	2023	01-0000-0-0000-3600-5640-000-BUS3-7230				259.21				
	2023	01-0000-0-0000-3600-5640-000-BUS4-7230								
	2023	01-0000-0-0000-3600-5640-000-BUS5-7230								
Check #	01-712283					Check Date 10/07/22		PO# PO23-00089	Register # 000290	
2022/23	09/28/22		Heater coil for Bus 1	300692	10/04/22	Paid	Cleared	727.86		727.86
Check #	01-712283					Check Date 10/07/22		PO#	Register # 000290	
						<b>Total Invoice Amount</b>		<b>987.07</b>		
AP Vendor Old Cuyama Do It Best (000217/1)										
			3045 Hwy 166							
			Cuyama, CA 93254							
2022/23	10/03/22	R23-00085	Drinking water for ES	B300726	10/04/22	Paid	Cleared	27.00		27.00
			(chlorinator is not working)							
	2023	01-0000-0-0000-2700-4300-030-0000-0000				27.00				
	2023	01-0000-0-0000-3600-4380-000-BUS4-7230								
	2023	01-0000-0-0000-8100-4300-000-0000-0000								
	2023	01-0000-0-0000-8100-4300-070-0000-0000								
	2023	01-0000-0-1137-4200-4300-070-0000-FTBL								
Check #	01-712284					Check Date 10/07/22		PO# PO23-00083	Register # 000290	
2022/23	10/04/22	R23-00085	Drinking water for ES	B300823	10/04/22	Paid	Cleared	90.00		90.00
			(chlorinator is not working)							
	2023	01-0000-0-0000-2700-4300-030-0000-0000				90.00				
	2023	01-0000-0-0000-3600-4380-000-BUS4-7230								
	2023	01-0000-0-0000-8100-4300-000-0000-0000								
	2023	01-0000-0-0000-8100-4300-070-0000-0000								
	2023	01-0000-0-1137-4200-4300-070-0000-FTBL								
Check #	01-712284					Check Date 10/07/22		PO# PO23-00083	Register # 000290	
2022/23	09/29/22	R23-00085	Drinking water for ES	C16522	10/04/22	Paid	Cleared	18.00		18.00
			(chlorinator is not working)							
	2023	01-0000-0-0000-2700-4300-030-0000-0000				18.00				
	2023	01-0000-0-0000-3600-4380-000-BUS4-7230								

## ReqPay05f

## Payment Register by BatchId/Check#

Batch AP10072022 (continued)

Bank Account COUNTY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
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AP Vendor Old Cuyama Do It Best (000217/1) (continued)

2022/23 09/29/22 R23-00085 Drinking water for ES C16522 (continued) 10/04/22 Paid Cleared (continued)

(chlorinator is not working)

2023 01-0000-0-0000-8100-4300-000-0000-0000

2023 01-0000-0-0000-8100-4300-070-0000-0000

2023 01-0000-0-1137-4200-4300-070-0000-FTBL

Check # 01-712284

Check Date 10/07/22 PO# PO23-00083 Register # 000290

Total Invoice Amount 135.00

AP Vendor Pacific Gas & Electric (000074/1)

Box 997300

Sacramento, CA 95899-7300

2022/23 09/13/22 R23-00068 E.S 220913-M1010432536 10/05/22 Paid Cleared 26.29 26.29

08/05/2022-09/05/20

22

2023 01-0000-0-0000-8100-5520-030-0000-0000

Check # 01-712285

2022/23 09/13/22 R23-00068 E.S CEEGC 220913CEEGC 10/05/22 Paid Cleared 1,409.10 1,409.10

Check Date 10/07/22 PO# PO23-00064 Register # 000290

08/05/2022-09/05/20

22

2023 01-0000-0-0000-8100-5520-030-0000-0000

Check # 01-712285

2022/23 09/13/22 R23-00068 E.S Electric Aug. 220913PGE 10/05/22 Paid Cleared 117.91 117.91

Check Date 10/07/22 PO# PO23-00064 Register # 000290

2022 2022

2023 01-0000-0-0000-8100-5520-030-0000-0000

Check # 01-712285

2022/23 09/23/22 R23-00077 HS 220923-M1010260288 10/05/22 Paid Cleared 26.29 26.29

Check Date 10/07/22 PO# PO23-00064 Register # 000290

08/05/2022-09/05/20

22

2023 01-0000-0-0000-8100-5520-070-0000-0000

Check # 01-712285

2022/23 09/23/22 R23-00077 HS 220923-M1010428403 10/05/22 Paid Cleared 155.38 155.38

Check Date 10/07/22 PO# PO23-00086 Register # 000290

08/18/2022-09/18/20

22

2023 01-0000-0-0000-8100-5520-070-0000-0000

Check # 01-712285

2022/23 09/23/22 R23-00077 HS Aug. 2022 220923PGE 10/05/22 Paid Cleared 240.59 240.59

Check Date 10/07/22 PO# PO23-00086 Register # 000290

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

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Batch AP10072022 (continued)							Bank Account COUNTRY - County-AP				
<div><div></div><div>Fiscal Year</div></div>	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymnt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount	
AP Vendor											(continued)
Pacific Gas & Electric (000074/1)											
2022/23	09/23/22	R23-00077	HS Aug. 2022	220923PGE (continued)	10/05/22	Paid	Cleared	(continued)			
Check #	01-712285					Check Date 10/07/22		PO# PO23-00086	Register # 000290		
						Total Invoice Amount		1,975.56			
Direct Vendor											
Quill Corporation (000734/1)											
PO BOX 37600											
Philadelphia, PA 19101-0600											
2022/23	09/20/22		Tape for ES office	27845667	10/04/22	Paid	Cleared	23.69		23.69	
Check #	01-712286					Check Date 10/07/22		PO#	Register # 000290		
2022/23	09/20/22		Ink for ES teacher-tutoring	27845912	10/04/22	Paid	Cleared	197.46		197.46	
Check #	01-712286					Check Date 10/07/22		PO#	Register # 000290		
						Total Invoice Amount		221.15			
AP Vendor											
Southern California Gas Co. (000091/1)											
PO BOX C											
Monterey Park, CA 91756-5111											
2022/23	09/26/22	R23-00040	E.S Gas	220926-M12760450	10/04/22	Paid	Cleared	167.46		167.46	
Check #	01-712287					Check Date 10/07/22		PO# PO23-00038	Register # 000290		
2022/23	09/26/22	R23-00039	H.S Gas	220926-M12775093	10/04/22	Paid	Cleared	23.42		23.42	
Check #	01-712287					Check Date 10/07/22		PO# PO23-00037	Register # 000290		
						Total Invoice Amount		190.88			
AP Vendor											
Waldrop's Auto Parts (002783/1)											
601 Kern Street											
Taft, CA 93268-2716											
2022/23	10/04/22	R23-00091	Air filter for Bus 1	62737-1	10/05/22	Paid	Cleared	267.32		267.32	
						267.32					



## Batch AP10072022 (continued)

## Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
2022/23	10/04/22	R23-00091	Waldrop's Auto Parts (002783/1)	(continued)	10/05/22	Paid	Cleared	(continued)		
	2023	01-0000-0-0000-3600-4380-000-	Air filter for Bus 1	62737-1 (continued)						
	2023	01-0000-0-0000-3600-4380-000-		BUS3- 7230						
	2023	01-0000-0-0000-3600-4380-000-		BUS4- 7230						
	2023	01-0000-0-0000-3600-4380-000-		BUS5- 7230						
	2023	01-0000-0-0000-8100-4300-000-0000								
Check #	01-712288					Check Date 10/07/22	PO# PO23-00090		Register # 000290	
						Total Invoice Amount	267.32			

Batch AP10142022				Bank Account COUNTY - County-AP						
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor Amazon Capital Services (000201/1) PO Box 035184 Seattle, WA 98124-5184										
F	2022/23	09/21/22	R23-00096	Classroom supplies for K.Fetterman	1HQW-VQLT-G7X6	10/12/22	Printed	165.05		165.05
Check #	01-713457			2023 01- 0000- 0- 1110- 1000- 4300- 070- 0000- 0000		Check Date 10/14/22		PO# PO23-00095	Register # 000291	
						Total Invoice Amount		165.05		
AP Vendor AUS West Lockbox (001882/1) PO BOX 101179 Pasadena, CA 91189-1179										
	2022/23	10/07/22	R23-00013	Mop head service Sept.2022	5031063045	10/12/22	Printed	322.00		322.00
Check #	01-713458			2023 01- 0000- 0- 0000- 8100- 5550- 000- 0000- 0000		Check Date 10/14/22		PO# PO23-00012	Register # 000291	
						Total Invoice Amount		322.00		
AP Vendor Bakersfield Athletic Supply (000884/1) PO BOX 1826 Bakersfield, CA 93303										
F	2022/23	10/04/22	R23-00093	Athletic Tape for Football	264968	10/12/22	Printed	916.43		916.43
Check #	01-713459			2023 01- 0000- 0- 1137- 4200- 4300- 070- 0000- FTBL		Check Date 10/14/22		PO# PO23-00092	Register # 000291	
						Total Invoice Amount		916.43		
AP Vendor BENCHMARK AIR CONDITIONING (000029/1) 1920 Mineral Court Bakersfield, CA 93308										
F	2022/23	10/11/22	R23-00097	ES Cafeteria Freezer repair	22743585	10/12/22	Printed	4,010.00		4,010.00
Check #	01-713460			2023 01- 7028- 0- 0000- 3700- 5640- 030- 0000- 0000		Check Date 10/14/22		PO# PO23-00096	Register # 000291	
						Total Invoice Amount		393.96		
Check #	01-713460			2023 01- 0000- 0- 0000- 8100- 4300- 030- 0000- 0000		Check Date 10/14/22		PO#	Register # 000291	
						Total Invoice Amount		4,403.96		

## Batch AP10142022 (continued)

## Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
<b>Direct Vendor</b>										
	Country Auto & Truck (002701/1) 42914 Highway 58 Buttonwillow, CA 93206									
2022/23	09/23/22		Battery for Bus 4	617975	10/12/22	Paid	Printed	196.84		196.84
Check #	01-713461		2023 01-0000-0-0000-3600-4380-000-BUS4-7230			Check Date 10/14/22	PO#		Register # 000291	
			<b>Total Invoice Amount</b>					<b>196.84</b>		
<b>AP Vendor</b>										
	Cuyama Community Services Dist (000206/1) PO BOX 368 New Cuyama, CA 93254									
2022/23	09/30/22	R23-00046	HS Water	220930-100213A	10/12/22	Paid	Printed	224.74		224.74
			08/20/2022-09/20/2022							
Check #	01-713462		2023 01-0000-0-0000-8100-5530-070-0000-0000			Check Date 10/14/22	PO# PO23-00045		Register # 000291	
2022/23	09/30/22	R23-00046	HS Water	220930-100213B	10/12/22	Paid	Printed	662.02		662.02
			08/20/2022-09/20/2022							
Check #	01-713462		2023 01-0000-0-0000-8100-5530-070-0000-0000			Check Date 10/14/22	PO# PO23-00045		Register # 000291	
			<b>Total Invoice Amount</b>					<b>886.76</b>		
<b>AP Vendor</b>										
	Department Of Justice (001311/1) PO BOX 944255 Sacramento, CA 94244-2550									
2022/23	10/05/22	R23-00018	Employee live scan	608440	10/12/22	Paid	Printed	98.00		98.00
			2023 01-0000-0-0000-7200-5800-000-0000-0000			Check Date 10/14/22	PO# PO23-00018		Register # 000291	
Check #	01-713463		<b>Total Invoice Amount</b>					<b>98.00</b>		
<b>AP Vendor</b>										
	Harrison Street Automotive (000160/1) 209 Harrison Street Taft, CA 93268									
F	2022/23	09/29/22	R23-00095	Chevy van repair	46812	10/12/22	Printed	458.91		458.91
			2023 01-0000-0-0000-8100-5600-000-0000-0000			Check Date 10/14/22	PO# PO23-00093		Register # 000291	
Check #	01-713464		<b>Total Invoice Amount</b>					<b>458.91</b>		

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

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## Batch AP10142022 (continued)

## Bank Account COUNTY - County-AP

22 Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
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Direct Vendor Home Depot Credit Services (002329/1)

Dept 32-2502046356

PO BOX 78047

Phoenix, AZ 85062-8047

2022/23	10/07/22		AG Supplies	69353	10/12/22	Paid	Printed	366.48		366.48
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2023 01-6387-0-3800-1000-4300-070-0000-00R6

Check # 01-713465

Check Date 10/14/22

PO# Register # 000291

Total Invoice Amount 366.48

AP Vendor

Imagine Learning LLC (000226/1)

8860 E Chaparral Road, Suite 100

Scottsdale, AZ 85250

F	2022/23	08/04/22	R23-00094	Odysseyware for ES/HS and professional development	270311	10/12/22	Paid	Printed	13,250.00	13,250.00
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2023 01-4126-0-1110-1000-5835-070-0000-0000

2023 01-6266-0-1110-1000-5800-000-0000-0000

2023 01-7413-0-1110-1000-5835-070-0000-0000

Check # 01-713466

Check Date 10/14/22

PO# PO23-00094

Register # 000291

Total Invoice Amount 13,250.00

AP Vendor

Instructure, Inc (000166/1)

ept CH 16968

Platine, IL 60055-6968

F	2022/23	10/11/22	R23-00043	CVHS Canvas Success Package 2022-23	INV384758	10/12/22	Paid	Printed	5,000.00	5,000.00
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2023 01-3214-0-1110-1000-5835-070-0000-0000

Check # 01-713467

Check Date 10/14/22

PO# PO23-00055

Register # 000291

Total Invoice Amount 5,000.00

AP Vendor

Jordano's Food Service (001095/1)

550 South Patterson Ave.

Santa Barbara, CA 93111

2022/23	10/03/22	R23-00064	ES Lunch	6698531	10/12/22	Paid	Printed	1,527.77		1,527.77
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2023 13-5310-0-0000-3700-4710-030-0000-0000

Check # 01-713468

Check Date 10/14/22

PO# PO23-00061

Register # 000291

2022/23 10/03/22 R23-00064 ES Breakfast 6698532

2023 13-5310-0-0000-3700-4710-030-0000-0000

Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

Paid

283.55

Register # 000291

283.55

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## Batch AP10142022 (continued)

## Bank Account COUNTY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor				Jordano's Food Service (001095/1)		(continued)				
Check #	01-713468					Check Date 10/14/22	PO# PO23-00061	Register # 000291		
2022/23	10/03/22	R23-00087	ASES Snack	6698533	10/12/22	Paid	Printed	47.86		47.86
2023 13-5310-0-0000-3700-4710-030-0000-ASES										
Check #	01-713468					Check Date 10/14/22	PO# PO23-00085	Register # 000291		
2022/23	10/03/22	R23-00065	HS Lunch	6698534	10/12/22	Paid	Printed	1,004.66		1,004.66
2023 13-5310-0-0000-3700-4710-070-0000-0000										
Check #	01-713468					Check Date 10/14/22	PO# PO23-00062	Register # 000291		
2022/23	10/03/22	R23-00065	HS Breakfast	6698535	10/12/22	Paid	Printed	482.39		482.39
2023 13-5310-0-0000-3700-4710-070-0000-0000										
Check #	01-713468					Check Date 10/14/22	PO# PO23-00062	Register # 000291		
Total Invoice Amount								3,346.23		

AP Vendor				Marborg Disposal (000715/1)						
				PO BOX 4127						
				Santa Barbara, CA 93140						
2022/23	09/30/22	R23-00048	HS Trash Sept. 2022	5638030	10/12/22	Paid	Printed	247.20		247.20
2023 01-0000-0-0000-8100-5570-000-0000-0000										
Check #	01-713469					Check Date 10/14/22	PO# PO23-00047	Register # 000291		
2022/23	09/30/22	R23-00048	ES Trash Sept. 2022	5638031	10/12/22	Paid	Printed	494.40		494.40
2023 01-0000-0-0000-8100-5570-000-0000-0000										
Check #	01-713469					Check Date 10/14/22	PO# PO23-00047	Register # 000291		
Total Invoice Amount								741.60		

AP Vendor				Verizon Business (002132/1)						
				PO Box 15043						
				Albany, NY 12212-5043						
2022/23	10/10/22	R23-00023	Verizon Fax	00915577	10/12/22	Paid	Printed	21.59		21.59
09/01/2022-09/30/2022										
2023	01-0000-0-0000-2700-5910-000-0000-0000					Check Date 10/14/22	PO# PO23-00023	Register # 000291		
Check #	01-713470					Total Invoice Amount		21.59		

## ReqPay05f

## Payment Register by BatchId/Check#

Batch AP10212022				Bank Account COUNTY - County-AP						
Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor Brown & Reich Petroleum, Inc. (002798/1) 215 South 6th Street PO BOX 1076 Taft, CA 93268										
2022/23	10/14/22	R23-00012	Diesel and Fuel FY 2023	32039	10/19/22	Paid	Printed	2,561.39		2,561.39
			2023 01- 0000- 0- 0000- 3600- 4381- 000- 0000- 7230			1,989.17				
			2023 01- 0000- 0- 0000- 8100- 4300- 030- 0000- WELL			572.22				
			2023 01- 0000- 0- 0000- 8100- 4384- 000- 0000- 0000			Check Date 10/21/22		PO# PO23-00009	Register # 000292	
Check #	01-714521					Total Invoice Amount		2,561.39		
AP Vendor CANON FINANCIAL SERVICES, INC. (000155/1) 14904 Collections Center Drive Chicago, IL 60693-0149										
2022/23	10/12/22	R23-00026	COPIER LEASE	29337042	10/19/22	Paid	Printed	1,309.14		1,309.14
			10/01/2022-10/31/2022							
			2023 01- 0000- 0- 0000- 2700- 5600- 030- 0000- 0000			327.28				
			2023 01- 0000- 0- 0000- 2700- 5600- 070- 0000- 0000			327.29				
			2023 01- 0000- 0- 0000- 2700- 5800- 000- 0000- 0000			654.57				
			2023 01- 0000- 0- 0000- 7200- 5600- 000- 0000- 0000							
			2023 01- 0000- 0- 1110- 1000- 5600- 030- 0000- 0000							
			2023 01- 0000- 0- 1110- 1000- 5600- 070- 0000- 0000			Check Date 10/21/22		PO# PO23-00026	Register # 000292	
Check #	01-714522					Total Invoice Amount		1,309.14		
AP Vendor Midway Laboratory, Inc (002627/1) 315 Main Street PO BOX 1151 Taft, CA 93268										
2022/23	10/11/22	R23-00047	Monthly water testing Fee Sept. 2022	38369	10/19/22	Paid	Printed	75.00		75.00
			2023 01- 0000- 0- 0000- 8100- 5800- 030- 0000- 0000							
Check #	01-714523					Check Date 10/21/22		PO# PO23-00046	Register # 000292	
						Total Invoice Amount		75.00		
AP Vendor Pacific Gas & Electric (000074/1) Box 997300 Sacramento, CA 95899-7300										

## Batch AP10212022 (continued)

## Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
2022/23	10/12/22	R23-00068	Pacific Gas & Electric (000074/1)	221012-CEEGC	10/19/22	Paid	Printed	1,276.64		1,276.64
			ES CEEGC	221012-CEEGC						
			09/06/2022-10/04/2022							
Check #	01-714524									
	2023	01-0000-0-0000-8100-5520-030-0000-0000								
						Check Date 10/21/22	PO# PO23-00064		Register # 000292	
2022/23	10/12/22	R23-00068	ES	221012-M1010432536	10/19/22	Paid	Printed	23.82		23.82
			09/06/2022-10/04/2022							
Check #	01-714524									
	2023	01-0000-0-0000-8100-5520-030-0000-0000								
						Check Date 10/21/22	PO# PO23-00064		Register # 000292	
						Total Invoice Amount	1,300.46			

## AP Vendor

Purchase Power (000178/1)

PO Box 981026

Boston, MA 02298-1026

2022/23	10/06/22	R23-00029	Postage Sept. 2022	221006	10/19/22	Paid	Printed	149.00		149.00
	2023	01-0000-0-0000-2700-4300-000-0000-0000								
						49.67				
	2023	01-0000-0-0000-2700-5900-030-0000-0000				49.67				
						49.66				
Check #	01-714525									
	2023	01-0000-0-0000-7200-5900-000-0000-0000				Check Date 10/21/22	PO# PO23-00029		Register # 000292	
						Total Invoice Amount	149.00			

## Direct Vendor

Quill Corporation (000734/1)

PO BOX 37600

Philadelphia, PA 19101-0600

2022/23	10/04/22		Webcam for DO	28142279	10/19/22	Paid	Printed	40.61		40.61
	2023	01-0000-0-0000-7200-5800-000-0000-0000								
Check #	01-714526									
	2023	01-0000-0-0000-7200-5800-000-0000-0000				Check Date 10/21/22	PO#		Register # 000292	
2022/23	10/06/22		Classroom supplies	28176651	10/19/22	Paid	Printed	36.09		36.09
			N. Furstenfield							
	2023	01-0000-0-1110-1000-4300-030-0000-0000								
Check #	01-714526					Check Date 10/21/22	PO#		Register # 000292	
						Total Invoice Amount	76.70			

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

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Batch AP10282022

[illegible]

Direct Employee  
Lebsack, Kevin D (000033)

1070 Paso Robles Ave  
Los Osos, CA 93402

2022/23	10/20/22	1380	Printed	129.31
2022/23	10/20/22	1380	Paid	129.31

Thursday evening  
2023 01-6388-0-3800-1000-5800-070-POST-00R2

Check #	01-715359	Check Date	10/28/22	PO#	Register # 000293
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2022/23	10/21/22	Hotel rooms for field day	177334172	10/26/22	Paid	Printed	867.40	867.40
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Check #	2023 01-6388-0-3800-1000-5800-070-POST-00R2	Check Date	10/28/22	PO#	Register # 000293
	01-715359				

	2022/23	10/21/22	New member field day	221021	10/26/22	Paid	Printed	55.00	55.00
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Check #	2023 01-6388-0-3800-1000-5800-070-POST-00R2	Check Date	10/28/22	PO#	Register # 000293
	01-715359				

<b>Total Invoice Amount</b>	<b>1,051.71</b>
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Direct Vendor  
American Business Machines (000365/1)

Direct Vendor  
American Business Machines (000365/1)

PO BOX 2737

Bakersfield CA 93303-2737

2022/23	02/28/22	ES Toner	609856	10/26/22	Paid	Printed	15.00	15.00
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2023 01-0000-0-1110-1000-4300-030-0000-0000

Check #	01-715360	Check Date	10/28/22	PO#	Register # 000293
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Direct Vendor  
BENCHMARK AIR CONDITIONING (000029/1)

Direct Vendor  
BENCHMARK AIR CONDITIONING (000029/1)

## 1920 Mineral Court

Bakersfield, CA 93308

2022/23	07/18/22	ES Cooler repair	20634145	20/26/22	20634145	Printed	1,027.50
						Paid	1,027.50

2023 01-0000-0-0000-8100-4300-030-0000-0000

Check #	Check Date	PQ#	Register #
01-715361	10/28/22		000293

[illegible]

Year	Number of cases	Percentage of total cases
2012-2013	11,111	11.11%
2013-2014	12,345	12.34%
2014-2015	13,567	13.56%
2015-2016	14,789	14.78%
2016-2017	15,901	15.90%
2017-2018	17,012	17.01%
2018-2019	18,123	18.12%
2019-2020	19,234	19.23%
2020-2021	20,345	20.34%
2021-2022	21,456	21.45%
2022-2023	22,567	22.56%
2023-2024	23,678	23.67%
2024-2025	24,789	24.78%
2025-2026	25,890	25.89%
2026-2027	26,901	26.90%
2027-2028	28,012	28.01%
2028-2029	29,123	29.12%
2029-2030	30,234	30.23%
2030-2031	31,345	31.34%
2031-2032	32,456	32.45%
2032-2033	33,567	33.56%
2033-2034	34,678	34.67%
2034-2035	35,789	35.78%
2035-2036	36,890	36.89%
2036-2037	37,901	37.90%
2037-2038	39,012	39.01%
2038-2039	40,123	40.12%
2039-2040	41,234	41.23%
2040-2041	42,345	42.34%
2041-2042	43,456	43.45%
2042-2043	44,567	44.56%
2043-2044	45,678	45.67%
2044-2045	46,789	46.78%
2045-2046	47,890	47.89%
2046-2047	48,901	48.90%
2047-2048	50,012	50.01%
2048-2049	51,123	51.12%
2049-2050	52,234	52.23%
2050-2051	53,345	53.34%
2051-2052	54,456	54.45%
2052-2053	55,567	55.56%
2053-2054	56,678	56.67%
2054-2055	57,789	57.78%
2055-2056	58,890	58.89%
2056-2057	59,901	59.90%
2057-2058	61,012	61.01%
2058-2059	62,123	62.12%
2059-2060	63,234	63.23%
2060-2061	64,345	64.34%
2061-2062	65,456	65.45%
2062-2063	66,567	66.56%
2063-2064	67,678	67.67%
2064-2065	68,789	68.78%
2065-2066	69,890	69.89%
2066-2067	70,901	70.90%
2067-2068	72,012	72.01%
2068-2069	73,123	73.12%
2069-2070	74,234	74.23%
2070-2071	75,345	75.34%
2071-2072	76,456	76.45%
2072-2073	77,567	77.56%
2073-2074	78,678	78.67%
2074-2075	79,789	79.78%
2075-2076	80,890	80.89%
2076-2077	81,901	81.90%
2077-2078	83,012	83.01%
2078-2079	84,123	84.12%
2079-2080	85,234	85.23%
2080-2081	86,345	86.34%
2081-2082	87,456	87.45%
2082-2083	88,567	88.56%
2083-2084	89,678	89.67%
2084-2085	90,789	90.78%
2085-2086	91,890	91.89%
2086-2087	92,901	92.90%
2087-2088	94,012	94.01%
2088-2089	95,123	95.12%
2089-2090	96,234	96.23%
2090-2091	97,345	97.34%
2091-2092	98,456	98.45%
2092-2093	99,567	99.56%
2093-2094	100,678	100.67%
2094-2095	101,789	101.78%
2095-2096	102,890	102.89%
2096-2097	103,901	103.90%
2097-2098	105,012	105.01%
2098-2099	106,123	106.12%
2099-2100	107,234	107.23%
2100-2101	108,345	108.34%
2101-2102	109,45	

01-7028-0-0000-3700-5640-030-0000-0000  
2023  
01-7028-0-0000-3700-5640-030-0000-0000

Check #	017-13301
Check Date	01/20/22
PO#	
Register #	000293

2022/23	10/19/22	Motors for ES	23022753	10/26/22	Paid	952.08	952.08
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2023 01-0000-0-0000-8100-4300-030-0000-0000

Check #	01-715361
Check Date	10/28/22
PO#	
Register #	000293

Selection  
Sorted by BatchId  
Filtered by (Orn = 43  
Payment Method = N  
Payment Type = N  
On Hold? = Y  
Starting Create Date = 10/1/2022  
Ending Create  
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Selection  
Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create Date = 10/1/2022, Escapes = 0)  
[View Details](#)

Date = 10/31/2022. Page Break by Check/Advice? = N. Zero? = Y)

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Selection  
Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create Date = 10/1/2022, Escapes = 0)  
[View Details](#)

Date = 10/31/2022. Page Break by Check/Advice? = N. Zero? = Y)

## Batch AP10282022 (continued)

## Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
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27

Total Invoice Amount 4,052.08

AP Vendor	Frontier Communications (000033/1) PO BOX 740407 Cincinnati, OH 45274-0407									
2022/23	10/13/22	R23-00003	10/13/2022-11/12/20 22 661-766-2293	221013-2293	10/26/22	Paid	Printed	283.05		283.05
Check #	01-715362		2023 01-0000-0-0000-2700-5910-070-0000-0000			Check Date 10/28/22	PO# PO23-00003		Register # 000293	
2022/23	10/13/22	R23-00004	10/13/2022-11/12/20 22 661-766-2642	221013-2642	10/26/22	Paid	Printed	90.29		90.29
Check #	01-715362		2023 01-0000-0-0000-2700-5910-030-0000-0000			Check Date 10/28/22	PO# PO23-00004		Register # 000293	
Total Invoice Amount								373.34		

Direct Vendor	Home Depot Credit Services (002329/1) Dept 32-2502046356 PO BOX 78047 Phoenix, AZ 85062-8047									
2022/23	10/11/22		AG Supplies	3013912	10/26/22	Paid	Printed	380.64		380.64
Check #	01-715363		2023 01-6387-0-3800-1000-4300-070-0000-00R6			Check Date 10/28/22	PO#		Register # 000293	
2022/23	09/20/22		Maintenance supplies	4643632	10/26/22	Paid	Printed	47.57		47.57
Check #	01-715363		2023 01-0000-0-0000-8100-4300-000-0000-0000			Check Date 10/28/22	PO#		Register # 000293	
2022/23	09/16/22		AG supplies	8514221	10/26/22	Paid	Printed	447.76		447.76
Check #	01-715363		2023 01-6387-0-3800-1000-4300-070-0000-00R6			Check Date 10/28/22	PO#		Register # 000293	
Total Invoice Amount								875.97		

AP Vendor	IEC Power, LLC (002897/1) 8775 Folsom Blvd, Suit 110 Sacramento, CA 95826									
2022/23	10/17/22	R23-00022	Solar Maintenance Agreement 09/18/2022-10/17/2022	CUYAMA-OM-IN100	10/26/22	Paid	Printed	1,319.98		1,319.98
			2023 01-0000-0-0000-8100-5640-030-0000-SOLR					659.98		

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

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## Batch AP10282022 (continued)

## Bank Account COUNTRY - County-AP

AP Vendor	Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
IEC Power, LLC (002897/1)				(continued)							
2022/23	10/17/22	R23-00022		Solar Maintenance Agreement 09/18/2022-10/17/2022	CUYAMA-OM-IN100 (continued)	10/26/22	Paid	Printed	(continued)		
Check #	2023	01-715364		01-0000-0-0000-8100-5640-070-0000-SOLR			660.00				
							Check Date 10/28/22		PO# PO23-00022	Register # 000293	
							<b>Total Invoice Amount</b>		<b>1,319.98</b>		
AP Vendor				Jordano's Food Service (001095/1) 550 South Patterson Ave. Santa Barbara, CA 93111							
2022/23	10/10/22	R23-00064		ES Lunch	6702316	10/25/22	Paid	Printed	2,481.33		2,481.33
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	
2022/23	10/10/22	R23-00064		ES Breakfast	6702317	10/25/22	Paid	Printed	628.23		628.23
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	
2022/23	10/10/22	R23-00087		ASES Snack	6702318	10/25/22	Paid	Printed	45.01		45.01
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-ASES			Check Date 10/28/22		PO# PO23-00085	Register # 000293	
2022/23	10/10/22	R23-00064		ES	6702319	10/25/22	Paid	Printed	38.79		38.79
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	
2022/23	10/10/22	R23-00065		HS Lunch	6702320	10/25/22	Paid	Printed	627.84		627.84
Check #	2023	01-715365		13-5310-0-0000-3700-4710-070-0000-0000			Check Date 10/28/22		PO# PO23-00062	Register # 000293	
2022/23	10/10/22	R23-00065		HS Breakfast	6702321	10/25/22	Paid	Printed	357.90		357.90
Check #	2023	01-715365		13-5310-0-0000-3700-4710-070-0000-0000			Check Date 10/28/22		PO# PO23-00062	Register # 000293	
2022/23	10/17/22	R23-00064		ES Lunch	6706145	10/25/22	Paid	Printed	2,100.77		2,100.77
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	
2022/23	10/17/22	R23-00064		ES Lunch	6706146	10/25/22	Paid	Printed	115.32		115.32
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	
2022/23	10/17/22	R23-00064		ES Breakfast	6706147	10/25/22	Paid	Printed	668.58		668.58
Check #	2023	01-715365		13-5310-0-0000-3700-4710-030-0000-0000			Check Date 10/28/22		PO# PO23-00061	Register # 000293	

Selection

Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create

Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

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### Payment Register by BatchId/Check#

Batch AP10282022 (continued)										Bank Account COUNTRY - County-AP		
29		Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymnt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
AP Vendor		(continued)										
2022/23		10/17/22	R23-00064	ES Breakfast			6706147 (continued)	10/25/22	Paid	Printed	(continued)	
Check #		01-715365	2023 13- 5310- 0- 0000- 3700- 4710- 030- 0000- 0000					Check Date 10/28/22	PO# PO23-00061		Register # 000293	45.01
2022/23		10/17/22	R23-00087	ASES Snack			6706148	10/25/22	Paid	Printed		
Check #		01-715365	2023 13- 5310- 0- 0000- 3700- 4710- 030- 0000- ASE5					Check Date 10/28/22	PO# PO23-00085		Register # 000293	562.86
2022/23		10/17/22	R23-00065	Food Program For High School FY 2023			6706149	10/25/22	Paid	Printed		
Check #		01-715365	2023 13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000					Check Date 10/28/22	PO# PO23-00062		Register # 000293	311.86
2022/23		10/17/22	R23-00065	Food Program For High School FY 2023			6706150	10/25/22	Paid	Printed		
Check #		01-715365	2023 13- 5310- 0- 0000- 3700- 4710- 070- 0000- 0000					Check Date 10/28/22	PO# PO23-00062		Register # 000293	
								Total Invoice Amount	7,983.50			
AP Vendor McGraw-Hill School Education (002844/1) Lockbox 71545 Chicago, IL 60694-1545												
2022/23		10/13/22	R23-00001	Science text book adoption Grade 2			125517544001	10/26/22	Paid	Printed	3,299.73	3,299.73
Check #		01-715366	2023 01- 0000- 0- 1110- 1000- 4100- 030- 0000- 0000					Check Date 10/28/22	PO# PO23-00001		Register # 000293	
								Total Invoice Amount	3,299.73			
AP Vendor MOXI (000218/1) 125 State Street Santa Barbara, CA 93101												
F 2022/23		07/06/22	R23-00009	Summer School Field Trip			11827711	10/25/22	Paid	Printed	158.00	158.00
Check #		01-715367	2023 01- 2600- 0- 1110- 1000- 5800- 030- 0000- 0000					Check Date 10/28/22	PO# PO23-00008		Register # 000293	
Selection Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)												
043 - Cuyama Joint Unified School District												
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Batch AP10282022 (continued)

Bank Account COUNTRY - County-AP

Fiscal Year	Invoice Date	Req #	Comment	Payment Id (Trans Batch Id)	Sched	Paymt Status	Check Status	Invoice Amount	Unpaid Sales Tax	Expense Amount
Total Invoice Amount 158.00										

AP Vendor Old Cuyama Do It Best (0002171)										
3045 Hwy 166										
Cuyama, CA 93254										
2022/23	10/11/22	R23-00085	Maint. Supplies	B301237	10/25/22	Paid	Printed	16.79		16.79
			2023 01-0000-0-0000-2700-4300-030-0000-0000							
			2023 01-0000-0-0000-3600-4380-000-BUS4-7230							
			2023 01-0000-0-0000-8100-4300-000-0000-0000			16.79				
			2023 01-0000-0-0000-8100-4300-000-0000-0000							
			2023 01-0000-0-0000-8100-4300-070-0000-0000							
			2023 01-0000-0-1137-4200-4300-070-0000-FTBL							
Check #	01-715368					Check Date 10/28/22	PO# PO23-00083		Register # 000293	
2022/23	10/20/22	R23-00085	Drinking water for	B301784	10/25/22	Paid	Printed	39.60		39.60
			Elementary School							
			2023 01-0000-0-0000-2700-4300-030-0000-0000			39.60				
			2023 01-0000-0-0000-3600-4380-000-BUS4-7230							
			2023 01-0000-0-0000-8100-4300-000-0000-0000							
			2023 01-0000-0-0000-8100-4300-070-0000-0000							
			2023 01-0000-0-1137-4200-4300-070-0000-FTBL							
Check #	01-715368					Check Date 10/28/22	PO# PO23-00083		Register # 000293	
2022/23	10/24/22	R23-00085	gallon water Bottle	B301941	10/25/22	Paid	Printed	18.00-		18.00-
			deposits							
			2023 01-0000-0-0000-2700-4300-030-0000-0000			18.00-				
			2023 01-0000-0-0000-3600-4380-000-BUS4-7230							
			2023 01-0000-0-0000-8100-4300-000-0000-0000							
			2023 01-0000-0-0000-8100-4300-070-0000-0000							
			2023 01-0000-0-1137-4200-4300-070-0000-FTBL							
Check #	01-715368					Check Date 10/28/22	PO# PO23-00083		Register # 000293	
Total Invoice Amount								38.39		

## EXPENSES BY FUND - Bank Account COUNTRY

Fund	Expense	Cash Balance	Difference
01	50,881.45	811,518.42	760,636.97
13	11,329.73	110.48-	11,440.21-
Total	62,211.18		

Number of Payments	79	
Number of Checks	39	\$50,965.85
Number of ACH Advice	0	
Number of vCard Advice	0	
Total Check/Advice Amount	\$62,211.18	
Total Unpaid Sales Tax	\$ .00	
Total Expense Amount	\$62,211.18	

CHECK/ADVICE AMOUNT DISTRIBUTION COUNTS		
\$0 - \$99	6	
\$100 - \$499	14	
\$500 - \$999	5	
\$1,000 - \$4,999	11	
\$5,000 - \$9,999	2	
\$10,000 - \$14,999	1	
\$15,000 - \$99,999		
\$100,000 - \$199,999		
\$200,000 - \$499,999		
\$500,000 - \$999,999		
\$1,000,000 -		

\*\*\*\*\* ITEMS OF INTEREST \*\*\*\*\*

\* Number of payments to a different vendor  
! Number of Prepaid payments  
@ Number of Liability payments  
& Number of Employee Also Vendors  
? denotes check name different than payment name  
F denotes Final Payment

**Report Totals -** Payment Count: 79, Check Count: 39, ACH Count: 0, vCard Count: 0, Total Check/Advice Amount: \$62,211.18, Total Expense Amount: \$62,211.18

Selection: Sorted by BatchId, Filtered by (Org = 43, Payment Method = N, Payment Type = N, On Hold? = Y, Starting Create Date = 10/1/2022, Ending Create Date = 10/31/2022, Page Break by Check/Advice? = N, Zero? = Y)

043 - Cuyama Joint Unified School District

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# SchoolStore.com



Visit [www.schoolstore.com/info](http://www.schoolstore.com/info) to watch a short video overview.

Become a member of SchoolStore.com and get your share of the FREE MONEY America's best companies are giving America's K-12 schools. SchoolStore.com is an online shopping mall where over 400 nationally-known merchants have agreed to give a percentage of every sale to America's K-12 schools. Companies like **Walmart**, **Old Navy**, **Best Buy**, **Disney Store**, and many more participate in SchoolStore.com. Your school earns money from things people are already buying when they designate your school while shopping at SchoolStore.com.

## Now Is The Time To Register

- \$200 Billion Online Retail Sales Per Year
- 92% of Americans Shopping Online
- No Risk or Cost to Your School
- Merchant Contributions as high as 50%



Find Out More: Visit [www.schoolstore.com/info](http://www.schoolstore.com/info) or call (877) 643-6799

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## Top Merchants

**Walmart** 

**OLD NAVY**

shop **Disney**

**KOHL'S**

 **macy's**

**BEST BUY**

**family**  
book store

 **Staples**

## Spread The Word

We have developed an easy-to-use Online Invitation Tool to help your school spread the word. With their parents' help, students send emails inviting family and friends to support your school by doing their everyday shopping through SchoolStore.com.

## How SchoolStore.com Works

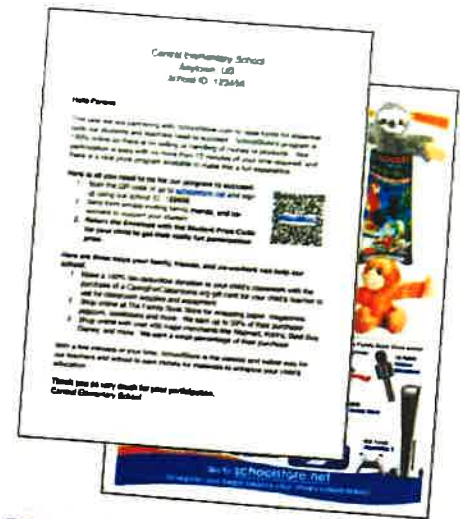
1. Sign up by calling (877) 643-6799 or visit [www.schoolstore.com/info](http://www.schoolstore.com/info)

2. We will prepare Parent Letters for you to send home with each student.

3. Parents and students go online and send email invitations to family and friends they think might help.

4. The email invitations are sent to family and friends with a special link to your school store. Each purchase will be automatically credited to your school and students.

5. View all school and student reports online. You can also request your money at any time with a click of a button.



Find Out More: Visit [www.schoolstore.com/info](http://www.schoolstore.com/info) or call (877) 643-6799

# Student Take-Home Sample

Central Elementary School  
Anytown, US  
School ID: 123456

Hello Parents,

This year we are partnering with SchoolStore.com to raise funds for essential tools our students and teachers need to succeed. SchoolStore's program is 100% online so there is no selling or handling of money or products. Your participation is easy with no more than 12 minutes of your time required, and there is a nice prize program available to make this a fun experience.

**Here is all you need to do for our program to succeed.**

1. Scan the QR code or go to [schoolstore.net](http://schoolstore.net) and sign up using our school ID: **123456**
2. Send form emails inviting family, friends, and co-workers to support your student.
3. **Return the Envelope with the Student Prize Code for your child to get their really fun participation prize.**



**Here are three ways your family, friends, and co-workers can help our school.**

1. Make a 100% tax-deductible donation to your child's classroom with the purchase of a CaringForClassrooms.org gift card for your child's teacher to use for classroom supplies and equipment.
2. Shop online at The Family Book Store for wrapping paper, magazines, popcorn, cookbooks and more. We earn up to 50% of their purchase.
3. Shop online with over 400 major merchants like Walmart, Kohl's, Best Buy, Disney, and more. We earn a small percentage of their purchase.

With a few minutes of your time, SchoolStore is the easiest and safest way for our teachers and school to earn money for materials to enhance your child's education.

**Thank you so very much for your participation.**

Central Elementary School



# Student Take-Home Sample

As a reward for helping,  
there are 2 easy ways  
to win prizes:

## 1 WIN a Huggers Mystery Prize Just For Participating!

Go to [schoolstore.net](http://schoolstore.net) to complete the sign-up process and send email invitations to family and friends. Your child will automatically WIN a Huggers Mystery Prize! **Which One Will You Win?**



## 2 Earn points for prizes! When you, your friends, and family shop with the Family Book Store and/or donate a Caring For Classrooms Gift Card, your child earns points towards great prizes.



Go to [schoolstore.net](http://schoolstore.net)

to register and begin helping your child's school today!

# Most Popular Merchants

**family**  
book store  
Up To 50%

**Walmart**  
1%-4%

**SEPHORA**  
5%

**BEST BUY**  
1%

**KOHL'S** 3%  
shop **Disney** 3%

**Crayola**  
9%

**Walgreens**  
2%-6%

**★ macy's**  
3%

**OLD NAVY** 5%  
**verizon** \$75

1-800-PetMeds - Up to 10%	Famous Footwear - 1%	Only Natural Pet - 6%
1800 Any Lens Contacts - 10%	Fanatics - 8%	Ornament Shop - 5%
39dollarglasses.com - 10-11%	Fandango - 3%	Overstock - 1%
Acer Online Store - 4%	Fat Brain Toys - 6%	OXO - 2%
AJ Madison - 3%	Gaiam - 8%	Pat Pat - 12%
Ashley Homestore - 1%	Game Stop - 2%	Philips - 5%
AT&T - \$45	GAP - 5%	Philosophy - 5%
Athleta - 4%	GiftBasket.com - 8%	Roku - 5%
Banana Republic - 5%	GNC - 4%	Russell Stover - 5%
Bass Pro Shops - 1% - 5%	Goodyear - 3%	Sams Club - 1%
Belk - 4%	Grasshoppers - 3%	Saucony - 3%
Benefit Cosmetics - 4%	Hanes - 4%	Sephora.com - 5%
Best Buy - 1%	Hickles - 10%	Shark Clean - 4%
Booking.com - 4%	Home Depot - 8%	Sharper Image - 2%
Books-A-Million - 3%	JCPenney - 3%	Shindigz Party Supply - 4%
Buckle - 5%	Jelly Belly - 5%	Shoemall.com - 10%
Calendars.com - 5% - 10%	Journeys - 6%	Shop Disney - 3%
Carhartt - 2%	Just My Size - 2%	Smile Direct Club - 10%
Carter's - 10%	Kay Jewelers - 1% - 4%	Staples - 1% - 5%
Chacos - 3%	Kitchen Aid - 5%	Sunglass Hut - 6%
Champion - 4%	Kitchen Source - 5%	The Children's Place - 2%
Checks Superstore - 15%	Kohl's - 3%	The Scholastic Store - 6%
Chewy - 4%	Lands End - 4%	Tie Bar - 10%
Crayola - 9%	Lane Bryant - 4%	Timex - 8%
Crocs - 6%	Le Creuset - 4%	Toms Shoes - 3%
Curves on Demand - 10%	Life Is Good - 6%	Tractor Supply Co. - 3%
CVS - 2%	Lights Online - 9%	TurboTax - 5% - 15%
David's Cookies - 6%	Macy's - 3%	Vans - 2%
Dell Home & Office - 1.5%	Microsoft Store - Up to 7%	Vera Bradley - 4%
Dyson - 2%	My M&M's - 6%	Verizon - \$75
eMeals - 30%	Office Depot/Office Max - .5% - 6%	Walgreens - 2% - 6%
eVitamins - 6%	Old Navy - 5%	Walmart.com - 1% - 4%
Express - 2% - 4%	Olympus - 3%	Weight Watchers - \$10
Family Book Store - Up to 50%	Omaha Steaks - 3%	

SSC 5/6

Affiliate percentage rates and participation may change without notice.

Updated:3/28/22

◀ ▶
↻
https://www.schoolstore.com/reports

Central Elementary School (0000288200)  
Anytown, TN

School Profit Earnings

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**School Profit From Current Program:** \$1570.35  
**Profit Balance Available:** \$1570.35

Send Check Now

Caring For Classrooms Gift Card Donations

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**Number of Gift Cards Donated:** 109  
**Value of Gift Cards Donated:** \$4065.00

2022-23 School Activity Summary

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**Participating Students:** 97  
**Email invitations Sent:** 992  
**Total Products Purchased:** \$3604.04  
**Total Profits Earned:** \$1570.35  
**Total Gift Cards Donated:** \$4065.00  
**Total School Rewards:** \$5635.35  
**School Rewards Per Student:** \$58.10

2022-23 School Activity Detail

Grade	Number Participating Students	Products Purchased	Amount Earned	Gift Cards Donated
Grade K	15	\$711.57	\$348.86	\$1200.00
Grade 01	14	\$386.87	\$154.31	\$360.00
Grade 02	9	\$335.76	\$147.55	\$345.00
Grade 03	21	\$1214.23	\$481.84	\$1075.00
Grade 04	7	\$524.71	\$209.66	\$340.00
Grade 05	7	\$191.93	\$104.22	\$415.00
Grade 06	7	\$116.00	\$47.85	\$60.00
Grade 07	1	\$0.00	\$0.00	\$0.00
Grade 08	16	\$122.97	\$68.83	\$270.00

SSC 6/6

# *Cuyama Joint Unified School District*

2300 Highway 166, New Cuyama, California 93254  
(661) 766-2482 • FAX: (661) 766-2255

November 10, 2022

## Personnel Activity Report

### **Hires: None**

Classified

Name:

Pay Scale

Certificated

### **Resignations:**

Classified	Name	Date
1. Maintenance II/Bus Driver	Samantha Sullivan	October 17, 2022
2. ASES Instructional Assistant Not able to work starting 10/21/2022	Amy Desiderio Gil	October 26, 2022

October 17, 2022

To Cuyama Joint Unified School District,

Unfortunately, due to unforeseen circumstances I'm going to have to resign my position as Maintenance II/Bus Driver effective immediately.

Thank you for the opportunity to work with the district. I appreciate all you have done for me and wish you all the very best. ----

Sincerely, \_\_\_\_\_

Samantha Sullivan

A handwritten signature in cursive script, appearing to read "Samantha Sullivan".



Oct. 12. 2022.

To whom it May concern I am  
giving my two week notice as of Oct. 12. 2022.  
I am unable to fulfill my role as  
an ASES teacher due to inconsistent  
childcare. I apologize for any inconvenience  
this has caused. Thank you for the  
opportunity to be a part of these amazing  
students. I will definitely miss them.

Amy J.D. Gil.  
Amy J.D. Gil

last day Oct 26th



**AB-361 Open meetings: state and local agencies: teleconferences.** (2021-2022)

SHARE THIS:



Date Published: 09/17/2021 09:00 PM

**Assembly Bill No. 361****CHAPTER 165**

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are

allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the

state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 89305.6 is added to the Education Code, to read:

**89305.6.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the

meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 2.** Section 11133 is added to the Government Code, to read:

**11133.** (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may

observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

**SEC. 3.** Section 54953 of the Government Code is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference



locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise

given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 3.1.** Section 54953 of the Government Code is amended to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference

number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 4.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any

meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

**SEC. 4.1.** Section 54953 is added to the Government Code, to read:

**54953.** (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall

be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code,

any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

**SEC. 5.** Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

**SEC. 6.** It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

**SEC. 7.** The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

**SEC. 8.** (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the



personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

**SEC. 9.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.



[Index.aspx?S=36030855](#) Home Policies Listing Guidesheet 09.2022
Powered by **simbli****Policy Updates**[/Policy/PolicyPrintGenerator.aspx?S=36030855&revid=kITeD0eOj0g3bLLiBBN3ig==](#)» **Guidesheet 09.2022: September 2022 Update Packet****Status:** ADOPTED

Original Adopted Date: 09/15/2022 | Last Reviewed Date: 09/15/2022

[see more](#)

## 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

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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.

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Version: 22.0.0.07

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**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

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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

Bus. and Prof. Code 7583-7583.447

Ed. Code 234.7

Ed. Code 35021.5

Ed. Code 38000-38005

Ed. Code 45113

Ed. Code 45122.1

Ed. Code 45133.5

Ed. Code 45301

Ed. Code 49076

Ed. Code 49079

Ed. Code 49390-49395

Fam. Code 6240-6275

Gov. Code 11135

Gov. Code 12525.2

Gov. Code 3300-3312

Gov. Code 7286-7286.5

Gov. Code 8597-8598

Pen. Code 13510-13519.15

Pen. Code 13651

Pen. Code 13700-13702

Pen. Code 290.45

Pen. Code 626.9

Pen. Code 646.91

Pen. Code 830-832.19

Pen. Code 830.32

Pen. Code 830.6

## Description

Private patrol operators -

<https://simbli.eboardsolutions.com/SU/kBDCgRBUWNp7GLr6TxJHw==>

Student protections relating to immigration and citizenship status

School police reserve corps

Security departments

Probationary period and permanent status; non-merit system districts

Classified employees; conviction of a violent or serious felony

School police department; work schedule

Probationary period and permanent status; merit system districts

Access to student records

Notification to teacher; student act constituting grounds for suspension or expulsion

Homicide threats

Emergency protective orders

Prohibition of discrimination -

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

Reports of incidents involving peace officers

Public safety officers; rights and protections

Law enforcement use of force policies

Emergencies; peace officers

Standards for recruitment and training

Peace officers; job descriptions

Response to domestic violence

Sex offenders; authority of peace officers to provide information

Gun-Free School Zone Act of 1995

Emergency protective order for stalking

Peace officers

School district and community college police

Reserve police officers; powers and duties

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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/UtHFHlU2yEDvIMpPVrtBA==>

Website

California State Threat Assessment System -  
<https://simbli.eboardsolutions.com/SU/CX8ou4hFcTRJkHzyPRczQ==>

Website

California Office of Emergency Services -  
<https://simbli.eboardsolutions.com/SU/UtHFHlU2yEDvIMpPVrtBA==>

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/AxdFslshFpyQ1QP0821fQy2pg==>

Website

California Attorney General's Office -  
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>

#### Cross References

0410

Nondiscrimination In District Programs And Activities -  
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFO9dQ==>

0450

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

0450

Comprehensive Safety Plan -  
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1113

District And School Web Sites -  
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1113

District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==>

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District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/i5TLslsh83D1npluoytHTIsM6ew==>

1240

Volunteer Assistance -  
<https://simbli.eboardsolutions.com/SU/c3bzU5HxDAULasIsHm6slshY5Cf==>

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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/vJHizKctUNwljEfGnHx4CA==>

3515 Campus Security -  
<https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==>

3515 Campus Security -  
<https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==>

3515.2 Disruptions -  
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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/HJyfNTrq3ylQUndK53CpBA==>

3515.4 Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/ViR6wN5wOiTu0tZplus7Ly9Jw==>

3515.5 Sex Offender Notification -  
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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/oslshFhmBWrrp6toa2Ebffmbg==>

3516.2 Bomb Threats -  
<https://simbli.eboardsolutions.com/SU/IVIK9slshAIIKtBcZcF8v5agg==>

4112.4 Health Examinations -  
<https://simbli.eboardsolutions.com/SU/sllMslshxLI2YOPYoMMU2U7w==>

4112.41 Employee Drug Testing -  
<https://simbli.eboardsolutions.com/SU/0pnpJJzNQsT3BV5s2tb62ng==>

4112.41 Employee Drug Testing -  
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4112.5 Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/XxVcsvXel4TKDtGnWVslshaAA==>

4112.5-E(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVykqI7w==>

4112.5-E PDF(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==>

4112.6 Personnel Files -  
<https://simbli.eboardsolutions.com/SU/slshc7i5jiVI8pLyA79vr9rhw==>

4112.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvsfw==>

4112.9-E(1) Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==>

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4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==">https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/zjAByCzxbSggUrgxcPkAw==">https://simbli.eboardsolutions.com/SU/zjAByCzxbSggUrgxcPkAw==</a>
4119.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==">https://simbli.eboardsolutions.com/SU/eL1YUgovLpMplusKwvSQ2uZ7w==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/FNXIvGTuDgTcLGIWKDo75Q==">https://simbli.eboardsolutions.com/SU/FNXIvGTuDgTcLGIWKDo75Q==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==">https://simbli.eboardsolutions.com/SU/LIdu39d9d8NTNOW1shZPzA==</a>
4200	Classified Personnel - <a href="https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==">https://simbli.eboardsolutions.com/SU/slshltwGTKOogyT4GXakWHcMg==</a>
4200	Classified Personnel - <a href="https://simbli.eboardsolutions.com/SU/KI0YndqnU7HBTrG0G6IY9g==">https://simbli.eboardsolutions.com/SU/KI0YndqnU7HBTrG0G6IY9g==</a>
4211	Recruitment And Selection - <a href="https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==">https://simbli.eboardsolutions.com/SU/4MJWRHUOUR8BT01HTbOYLA==</a>
4212	Appointment And Conditions Of Employment - <a href="https://simbli.eboardsolutions.com/SU/kFxNaSMhpQ8wsNQbau8LA==">https://simbli.eboardsolutions.com/SU/kFxNaSMhpQ8wsNQbau8LA==</a>
4212.4	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/RQiw5kZICQmkqEEHCuVAlA==">https://simbli.eboardsolutions.com/SU/RQiw5kZICQmkqEEHCuVAlA==</a>
4212.41	Employee Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tksxldyA==">https://simbli.eboardsolutions.com/SU/ZtFkQj68CnmBF0tksxldyA==</a>
4212.41	Employee Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHvzFGuA==">https://simbli.eboardsolutions.com/SU/EcuJ19plusLerWrGuoHvzFGuA==</a>
4212.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==">https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==</a>
4212.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOO==">https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOO==</a>
4212.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==">https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==">https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==</a>
4215	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyCOYssslshzAQ==">https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyCOYssslshzAQ==</a>
4216	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==">https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIOeLA==">https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIOeLA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==">https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKYNOW==">https://simbli.eboardsolutions.com/SU/7haYVZbpJplus4F5mMWSKYNOW==</a>
4219.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==">https://simbli.eboardsolutions.com/SU/yQbdjaW5yxhLaZ0hqRoK5Q==</a>

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4231	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==">https://simbli.eboardsolutions.com/SU/FAuFrJnlbcVy3kgsTslshNU6g==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==">https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==</a>
4312.4	Health Examinations - <a href="https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==">https://simbli.eboardsolutions.com/SU/obiSk8rTaSgKJ7TuV2j8Xw==</a>
4312.41	Employee Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRIGezdpYQ==">https://simbli.eboardsolutions.com/SU/on2kzWrow5Q4jRIGezdpYQ==</a>
4312.41	Employee Drug Testing - <a href="https://simbli.eboardsolutions.com/SU/jrL5bQ4AWpluswiY5aDrqHfIg==">https://simbli.eboardsolutions.com/SU/jrL5bQ4AWpluswiY5aDrqHfIg==</a>
4312.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==">https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==</a>
4312.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==">https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==</a>
4312.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==">https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIIYnslshRBAHkptw==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==">https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQIb4XnDnSONdYuZjm2Q==">https://simbli.eboardsolutions.com/SU/CqOQIb4XnDnSONdYuZjm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
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4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/4gj8pluskAr0XYZADWShtU6Wg==">https://simbli.eboardsolutions.com/SU/4gj8pluskAr0XYZADWShtU6Wg==</a>
4319.43	Universal Precautions - <a href="https://simbli.eboardsolutions.com/SU/1mKDsslsheFqplus5pUTKIMeNd9A==">https://simbli.eboardsolutions.com/SU/1mKDsslsheFqplus5pUTKIMeNd9A==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==">https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvQbg==">https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvQbg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUEFQOE9Vntg==">https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUEFQOE9Vntg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==">https://simbli.eboardsolutions.com/SU/D2LIg7JcgumhuWnRLo2bAw==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==">https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==">https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==</a>
5131.4	Student Disturbances - <a href="https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==">https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==</a>
5131.4	Student Disturbances - <a href="https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==">https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMynfEHtBsishWA==">https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMynfEHtBsishWA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==">https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==</a>

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5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==">https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxNplusAspEj9Zg==">https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxNplusAspEj9Zg==</a>
5131.7	Weapons And Dangerous Instruments - <a href="https://simbli.eboardsolutions.com/SU/yIMR7ZJqIMYtCxVbaEWnTQ==">https://simbli.eboardsolutions.com/SU/yIMR7ZJqIMYtCxVbaEWnTQ==</a>
5136	Gangs - <a href="https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqIPaQ==">https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqIPaQ==</a>
5136	Gangs - <a href="https://simbli.eboardsolutions.com/SU/J2plusQxKcdQp6eCW0ucjhxKw==">https://simbli.eboardsolutions.com/SU/J2plusQxKcdQp6eCW0ucjhxKw==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/KtRGnZAUg4slshHbkrgYBgQIA==">https://simbli.eboardsolutions.com/SU/KtRGnZAUg4slshHbkrgYBgQIA==</a>
5141	Health Care And Emergencies - <a href="https://simbli.eboardsolutions.com/SU/D3S2sSplusJHslshY8cNhvZ66HVg==">https://simbli.eboardsolutions.com/SU/D3S2sSplusJHslshY8cNhvZ66HVg==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkktiQ==">https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkktiQ==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==">https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==</a>
5141.5	Mental Health - <a href="https://simbli.eboardsolutions.com/SU/YQwLSXVzp0Tdg7hpglStpluw==">https://simbli.eboardsolutions.com/SU/YQwLSXVzp0Tdg7hpglStpluw==</a>
5142.1	Identification And Reporting Of Missing Children - <a href="https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==">https://simbli.eboardsolutions.com/SU/QGH9AvvDCjblslshoxUBg1B4w==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/q5NswZUhpTbrdfxL6dpCuQ==">https://simbli.eboardsolutions.com/SU/q5NswZUhpTbrdfxL6dpCuQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==">https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==">https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==">https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==</a>
5145.11	Questioning And Apprehension By Law Enforcement - <a href="https://simbli.eboardsolutions.com/SU/RdYWsxrRSTslCkcLeACmQA==">https://simbli.eboardsolutions.com/SU/RdYWsxrRSTslCkcLeACmQA==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/kUSW/h8nlAjslshplusgHF91pEC6g==">https://simbli.eboardsolutions.com/SU/kUSW/h8nlAjslshplusgHF91pEC6g==</a>
5145.12	Search And Seizure - <a href="https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==">https://simbli.eboardsolutions.com/SU/eRCTslsh0OEzMKPz3u284uZoQ==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/aQplusNVDz9UuWKnGW6XLW4rA==">https://simbli.eboardsolutions.com/SU/aQplusNVDz9UuWKnGW6XLW4rA==</a>
5145.13	Response To Immigration Enforcement - <a href="https://simbli.eboardsolutions.com/SU/Axq9yVbrlvLTpsYmbr6dNw==">https://simbli.eboardsolutions.com/SU/Axq9yVbrlvLTpsYmbr6dNw==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zpcyw==">https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zpcyw==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2IhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2IhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==</a>

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**Regulation 3515.3: District Police/Security Department**

Status: ADOPTED

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

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

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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

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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.

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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 - <a href="https://simbli.eboardsolutions.com/SU/kBDCgRBUWNp7GLr6TxJHw==">https://simbli.eboardsolutions.com/SU/kBDCgRBUWNp7GLr6TxJHw==</a>
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 - <a href="https://simbli.eboardsolutions.com/SU/PcUFEWeMcCJnzBrKAL0EtfQ==">https://simbli.eboardsolutions.com/SU/PcUFEWeMcCJnzBrKAL0EtfQ==</a>
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

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Pen. Code 832.2  
 Pen. Code 832.7  
 Pen. Code 836  
 W&I Code 707  
 W&I Code 828-828.1

School peace officers; training  
 Disclosure of personnel files in criminal or civil proceedings  
 Peace officers; warrants  
 List of crimes  
 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/UtHFHlU2yEDvIMpPVrtBA==>

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#### Cross References

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Nondiscrimination In District Programs And Activities - <https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBEB09dQ==>

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3515.4 Recovery For Property Loss Or Damage -  
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5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrEa5A==">https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrEa5A==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==">https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==</a>
5131.4	Student Disturbances - <a href="https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==">https://simbli.eboardsolutions.com/SU/plusslshvcF2YZJxIFwsCfulcOVw==</a>
5131.4	Student Disturbances - <a href="https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==">https://simbli.eboardsolutions.com/SU/0lrMQ6nnuTuPplusLplusO4Wvu2g==</a>
5131.5	Vandalism And Graffiti - <a href="https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslshWA==">https://simbli.eboardsolutions.com/SU/Hgb7V0EwOFkMvnfEHtBslshWA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==">https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==</a>
5131.6	Alcohol And Other Drugs - <a href="https://simbli.eboardsolutions.com/SU/7eplus9F20a143StxVcQXvoig==">https://simbli.eboardsolutions.com/SU/7eplus9F20a143StxVcQXvoig==</a>

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5131.7 Weapons And Dangerous Instruments -  
<https://simbli.eboardsolutions.com/SU/RbUmvFwplusX2FxnplusAspEj9Zg==>

5131.7 Weapons And Dangerous Instruments -  
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5136 Gangs -  
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5136 Gangs -  
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5141 Health Care And Emergencies -  
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5141 Health Care And Emergencies -  
<https://simbli.eboardsolutions.com/SU/D3S2sSpluJHslshY8cNhvZ66HVg==>

5141.4 Child Abuse Prevention And Reporting -  
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5141.4 Child Abuse Prevention And Reporting -  
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5141.5 Mental Health -  
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5142.1 Identification And Reporting Of Missing Children -  
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5144 Discipline -  
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5144 Discipline -  
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5144.1 Suspension And Expulsion/Due Process -  
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5144.1 Suspension And Expulsion/Due Process -  
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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 -  
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5145.13 Response To Immigration Enforcement -  
<https://simbli.eboardsolutions.com/SU/a0plusNVdZ9UuWKnGW6XLW4rA==>

5145.13 Response To Immigration Enforcement -  
<https://simbli.eboardsolutions.com/SU/Axq9yVbrlLTpsYmbr6dNw==>

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

6184 Continuation Education -  
<https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==>

6184 Continuation Education -  
<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>

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**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

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H&S Code 11363  
H&S Code 11364  
H&S Code 11370.1  
Pen. Code 11165.2-11165.6  
Pen. Code 1192.7  
Pen. Code 187  
Pen. Code 291  
Pen. Code 667.5

Peyote  
Opium  
Possession of controlled substances with a firearm  
Child abuse or neglect; definitions  
Plea bargaining limitation  
Murder  
School employees arrest for sex offense  
Prior prison terms; enhancement of prison terms

#### Federal References

U.S. Constitution

#### Description

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

#### Management Resources References

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

#### Description

California's Laws and Rules Pertaining to the Discipline of Professional Certificated Personnel, 2007  
Kennedy v. Bremerton (2022) 142 S.Ct. 2407  
Crowl v. Commission on Professional Competence, (1990) 225 Cal. App. 3d 334  
Morrison v. State Board of Education (1969) 1 Cal.3d 214  
Office of the Attorney General -  
<https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>  
Office of Administrative Hearings -  
<https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==>  
Department of General Services, About Teacher Dismissal Case Type -  
<https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrlLeA==>  
CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>  
Commission on Teacher Credentialing -  
<https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaqZefc7aH4Q==>  
CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

#### Cross References

1114  
1114  
1312.1  
1312.1  
1312.3  
1312.3  
1312.3-E PDF(1)  
1312.3-E PDF(2)

#### Description

District-Sponsored Social Media -  
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District-Sponsored Social Media -  
<https://simbli.eboardsolutions.com/SU/yjVOrBCGm2rPCjkELGVV5A==>  
Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/dIGslshfvOqyWh8DLTuprGWw==>  
Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/ZCplusrqf8QJfVdSVEdfwjAA==>  
Uniform Complaint Procedures -  
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Uniform Complaint Procedures -  
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Uniform Complaint Procedures -  
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<https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==>

3230 Federal Grant Funds -  
<https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO711TFHYg==>

3230 Federal Grant Funds -  
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3512 Equipment -  
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3512-E(1) Equipment -  
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3513.3 Tobacco-Free Schools -  
<https://simbli.eboardsolutions.com/SU/YcXDCKQsxwpNcLpvl3ATIA==>

3513.3 Tobacco-Free Schools -  
<https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjcAvbVoQ==>

3513.4 Drug And Alcohol Free Schools -  
<https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==>

3515.2 Disruptions -  
<https://simbli.eboardsolutions.com/SU/CwDXzUwOzIplusMObg2FjxUVQ==>

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/IVIK9slshAllKtBcZcF8v5agg==>

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/vx943QTXDnJq9P0DHTilzg==>

4040 Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/3Md2dsishuyFrpXYhjStKTrQw==>

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

4040-E PDF(1) Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cwOGg==>

4112 Appointment And Conditions Of Employment -  
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4112.1 Contracts -  
<https://simbli.eboardsolutions.com/SU/livPTslsh1UwK7EcyslshYkmCBZA==>

4112.4 Health Examinations -  
<https://simbli.eboardsolutions.com/SU/slLMslshxLI2YOPYoMMU2U7w==>

4112.42 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/slshnzMWdvaZpZNpZplusoEf8ILQ==>

4112.42 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKryP8gplugs==>

4112.5 Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/XxVcsxXeI4TKDtGnWVslshaAA==>

4112.5-E(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==>

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4112.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==">https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==">https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvswfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshvswfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzgw==">https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzgw==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKshHpQQ==">https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKshHpQQ==</a>
4113.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwzl2vjW3Eg==">https://simbli.eboardsolutions.com/SU/lplusUYB21lDXQLwzl2vjW3Eg==</a>
4114	Transfers - <a href="https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74Qi4ETg==">https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74Qi4ETg==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/OLslshHZpTrWZBP3dcuo7QfxQ==">https://simbli.eboardsolutions.com/SU/OLslshHZpTrWZBP3dcuo7QfxQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3lEw==">https://simbli.eboardsolutions.com/SU/YXWh5JjlsC6OnRyofY3lEw==</a>
4117.7	Employment Status Reports - <a href="https://simbli.eboardsolutions.com/SU/vrslOSKAbKdr9XdJcOBqDw==">https://simbli.eboardsolutions.com/SU/vrslOSKAbKdr9XdJcOBqDw==</a>
4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/BQiemT6yHQcplusdbQ4LuGjZA==">https://simbli.eboardsolutions.com/SU/BQiemT6yHQcplusdbQ4LuGjZA==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==">https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/QUReWQUtgJeCDcHbkv2IRQ==">https://simbli.eboardsolutions.com/SU/QUReWQUtgJeCDcHbkv2IRQ==</a>
4119.12	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSSlshvoA==">https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSSlshvoA==</a>
4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/rQB42ElpiyuEXBil5SCTvQ==">https://simbli.eboardsolutions.com/SU/rQB42ElpiyuEXBil5SCTvQ==</a>
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==">https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==</a>
4119.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6QMjGsFSgPwQ==">https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6QMjGsFSgPwQ==</a>
4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXJO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXJO0g==</a>
4119.22	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNfslshMaMYLw==">https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNfslshMaMYLw==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshlOslshSw==">https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshlOslshSw==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvAQYM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvAQYM7xxypEMfw==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/rdpZrJrsafrxuBrElcbGnA==">https://simbli.eboardsolutions.com/SU/rdpZrJrsafrxuBrElcbGnA==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerFQ==">https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerFQ==</a>
4131.1	Teacher Support And Guidance - <a href="https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==">https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==</a>

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4131.1 Teacher Support And Guidance -  
<https://simbli.eboardsolutions.com/SU/zIGKbGQaVplsdRicemB3xUUw==>

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

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

4141.6 Concerted Action/Work Stoppage -  
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4141.6 Concerted Action/Work Stoppage -  
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4154 Health And Welfare Benefits -  
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4154 Health And Welfare Benefits -  
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4157 Employee Safety -  
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4157 Employee Safety -  
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4158 Employee Security -  
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4158 Employee Security -  
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4159 Employee Assistance Programs -  
<https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==>

4161 Leaves - <https://simbli.eboardsolutions.com/SU/EEEXMgQbslshqslshKqtJJUX7vSg==>

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

4212.4 Health Examinations -  
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4212.42 Drug And Alcohol Testing For School Bus Drivers -  
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4212.42 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==>

4212.5 Criminal Record Check -  
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4212.5-E(1) Criminal Record Check -  
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4212.5-E PDF(1) Criminal Record Check -  
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4212.6 Personnel Files -  
<https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==>

4212.9 Employee Notifications -  
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4212.9-E(1) Employee Notifications -  
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4212.9-E PDF(1) Employee Notifications -  
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4213.5 Working Remotely -  
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4219.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/qlnWNgn2LFslshdZTCLslsh592A==>

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4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==">https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9lpm2w==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==">https://simbli.eboardsolutions.com/SU/f0lz7oK8fOTNnMJg3w7aWA==</a>
4219.12	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==">https://simbli.eboardsolutions.com/SU/OBcyzA9IS2uF2sCkACIVsw==</a>
4219.12-E(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==">https://simbli.eboardsolutions.com/SU/D3sslshZJNNbv4WlamsEWM4pQ==</a>
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/VEmAxwF6VTwEh7mmLHH7xg==">https://simbli.eboardsolutions.com/SU/VEmAxwF6VTwEh7mmLHH7xg==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==">https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==</a>
4219.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogp5SWHg==">https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogp5SWHg==</a>
4219.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==">https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==</a>
4219.22	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/73WaAoB7xVTilWdyg8jPUA==">https://simbli.eboardsolutions.com/SU/73WaAoB7xVTilWdyg8jPUA==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/DzT84jjiN31dA5odXslshEoA==">https://simbli.eboardsolutions.com/SU/DzT84jjiN31dA5odXslshEoA==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILbw==">https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILbw==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/7hEQzi8hdkRLUYbn3mcUYw==">https://simbli.eboardsolutions.com/SU/7hEQzi8hdkRLUYbn3mcUYw==</a>
4227	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==">https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==</a>
4227	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/gh6iL9tkxViyly74pfsyvg==">https://simbli.eboardsolutions.com/SU/gh6iL9tkxViyly74pfsyvg==</a>
4236	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/2FYq4TWTxHfIKGniO4gkGA==">https://simbli.eboardsolutions.com/SU/2FYq4TWTxHfIKGniO4gkGA==</a>
4241	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/HilDt0mq6toKwOvAGRcktA==">https://simbli.eboardsolutions.com/SU/HilDt0mq6toKwOvAGRcktA==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==">https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==">https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/A1ITc07Qplusq5qXGSvtT8tew==">https://simbli.eboardsolutions.com/SU/A1ITc07Qplusq5qXGSvtT8tew==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4MRmj4J0iqDWVDL3OkzA==">https://simbli.eboardsolutions.com/SU/4MRmj4J0iqDWVDL3OkzA==</a>
4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==">https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==</a>
4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshlslshio2S8eQ==">https://simbli.eboardsolutions.com/SU/hlcSn6uv0mPslshlslshio2S8eQ==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==">https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==</a>
4259	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==">https://simbli.eboardsolutions.com/SU/fRGxOc7Yplus8ZsrZ44lplusJCUQ==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3hQpaWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3hQpaWxSWoNITTqbmA==</a>



4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRlm84fA==>

4312.4 Health Examinations - <https://simbli.eboardsolutions.com/SU/obiSk8rTa5gKJ7TuV2j8Xw==>

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/4ekwJY8plusKIIYnslshRBAHkptw==>

4312.6 Personnel Files - <https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==>

4312.9 Employee Notifications - <https://simbli.eboardsolutions.com/SU/CqOQJb4XnDnSONdYu7jm2Q==>

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

4312.9-E PDF(1) Employee Notifications - <https://simbli.eboardsolutions.com/SU/LslshgslshQ92fRVoPUpuUergz7w==>

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

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

4319.1 Civil And Legal Rights - <https://simbli.eboardsolutions.com/SU/XWa15T9slshJVgmRW95yTHU1Q==>

4319.11 Sexual Harassment - <https://simbli.eboardsolutions.com/SU/4Vvv7iOi6uHdgsIsheZNHpgVg==>

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==>

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4327	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/wF87ll1DiM4BuNlpmMp4jw==">https://simbli.eboardsolutions.com/SU/wF87ll1DiM4BuNlpmMp4jw==</a>
4327	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==">https://simbli.eboardsolutions.com/SU/GfWrHbKXXiMo6D9sEVMuoQ==</a>
4336	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcpluVQVXhQ==">https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcpluVQVXhQ==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==">https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAXOvQ==">https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAXOvQ==</a>
4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/D6S5MNVzJ7r40aZtHitwjw==">https://simbli.eboardsolutions.com/SU/D6S5MNVzJ7r40aZtHitwjw==</a>
4357	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==">https://simbli.eboardsolutions.com/SU/N63EdiisS5zWvqunjVeTrw==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==">https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==">https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==</a>
4359	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/TKcqZ60n9RZaplusNRYWW1VUOQ==">https://simbli.eboardsolutions.com/SU/TKcqZ60n9RZaplusNRYWW1VUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCplyUeeeBo4hULBQ==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==">https://simbli.eboardsolutions.com/SU/VfqT4dag9OryfRHQPXk58A==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYichKYg==">https://simbli.eboardsolutions.com/SU/lbu6OGOoNPkptcFYichKYg==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==">https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==">https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==">https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==">https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/E81vgNUe2qhM9N9pNBTQTa==">https://simbli.eboardsolutions.com/SU/E81vgNUe2qhM9N9pNBTQTa==</a>
5145.71	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==">https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==</a>
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==">https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==">https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==">https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==">https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==</a>
6162.54	Test Integrity/Test Preparation - <a href="https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==">https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==</a>

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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 -  
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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)

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## 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

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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

5 CCR 80303

5 CCR 80304

CA Constitution Article 1, Section 1

Ed. Code 44008

Ed. Code 44009

Ed. Code 44010

Ed. Code 44011

#### Description

Reports of change in employment status; alleged misconduct

Notice of sexual misconduct

Inalienable rights

Effect of termination of probation

Conviction of specified crimes

Sex offense; definitions

Controlled substance offense

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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	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 - <a href="https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==">https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==</a>
Website	Office of Administrative Hearings - <a href="https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==">https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTIh3V79tXg==</a>
Website	Department of General Services, About Teacher Dismissal Case Type - <a href="https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrLeA==">https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14jlrLeA==</a>

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Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

#### Cross References

#### Description

1114	District-Sponsored Social Media - <a href="https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjTkQ5g==">https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAjTkQ5g==</a>
1114	District-Sponsored Social Media - <a href="https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==">https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==">https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qyzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qyzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpkY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpkY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==">https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TFHYg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==">https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==">https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==">https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/YcXDckQsxwpNcLpvI3ATIA==">https://simbli.eboardsolutions.com/SU/YcXDckQsxwpNcLpvI3ATIA==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjCvAvbVaQ==">https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjCvAvbVaQ==</a>
3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==">https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==</a>
3515.2	Disruptions - <a href="https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOBg2FjxUVQ==">https://simbli.eboardsolutions.com/SU/CwDXzUwOzplusMOBg2FjxUVQ==</a>
3515.2	Disruptions - <a href="https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==">https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==</a>
3515.21	Unmanned Aircraft Systems (Drones) - <a href="https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==">https://simbli.eboardsolutions.com/SU/2hYMI2YDYwUvplusQyNqN64RQ==</a>
3516.2	Bomb Threats - <a href="https://simbli.eboardsolutions.com/SU/IVIK9slshAIItBcZcF8v5agg==">https://simbli.eboardsolutions.com/SU/IVIK9slshAIItBcZcF8v5agg==</a>
4000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==">https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==</a>
4020	Drug And Alcohol-Free Workplace - <a href="https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==">https://simbli.eboardsolutions.com/SU/gq3plusa7wsEW6oMTnThmqKpg==</a>

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4030 Nondiscrimination In Employment -  
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4030 Nondiscrimination In Employment -  
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4040 Employee Use Of Technology -  
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4040-E(1) Employee Use Of Technology -  
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4040-E PDF(1) Employee Use Of Technology -  
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4112 Appointment And Conditions Of Employment -  
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4112.1 Contracts -  
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4112.4 Health Examinations -  
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4112.42 Drug And Alcohol Testing For School Bus Drivers -  
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4112.42 Drug And Alcohol Testing For School Bus Drivers -  
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4112.5 Criminal Record Check -  
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4112.6 Personnel Files -  
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4112.9 Employee Notifications -  
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4112.9-E(1) Employee Notifications -  
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4112.9-E PDF(1) Employee Notifications -  
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4113.5 Working Remotely -  
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4114 Transfers - <https://simbli.eboardsolutions.com/SU/mFpPJXC1QmDMIC74Qj4ETg==>

4115 Evaluation/Supervision -  
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4115 Evaluation/Supervision -  
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4117.7 Employment Status Reports -  
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4119.1 Civil And Legal Rights -  
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4119.11 Sexual Harassment -  
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4119.11 Sexual Harassment -  
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4119.12 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/cwaQhFQnPhGFvkogTSslshvoA==>

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4119.12-E(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil5SctVQ==">https://simbli.eboardsolutions.com/SU/rOB42ElpiyuEXBil5SctVQ==</a>
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==">https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==</a>
4119.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==">https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==</a>
4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==</a>
4119.22	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==">https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrslshMaMYLw==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==">https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlyswqn3LcJldgUB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlyswqn3LcJldgUB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/rdpztJrsafxuBrElcbGnA==">https://simbli.eboardsolutions.com/SU/rdpztJrsafxuBrElcbGnA==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerEQ==">https://simbli.eboardsolutions.com/SU/QZOYyuTYMNL2Ja28meyerEQ==</a>
4131.1	Teacher Support And Guidance - <a href="https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==">https://simbli.eboardsolutions.com/SU/o63bybiWnOwM5kCYo8bBLg==</a>
4131.1	Teacher Support And Guidance - <a href="https://simbli.eboardsolutions.com/SU/zlGKbGQaVplusdRicemB3xUUw==">https://simbli.eboardsolutions.com/SU/zlGKbGQaVplusdRicemB3xUUw==</a>
4136	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==">https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==</a>
4141	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==">https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==">https://simbli.eboardsolutions.com/SU/TtH8mfb4Zwc222YN76OTdg==</a>
4141.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==">https://simbli.eboardsolutions.com/SU/nCKbnl3vsF4vwC2CzN850A==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==">https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVTQ==">https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVTQ==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/pCyFLiyDAXQFkxkHbUbsHFA==">https://simbli.eboardsolutions.com/SU/pCyFLiyDAXQFkxkHbUbsHFA==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==">https://simbli.eboardsolutions.com/SU/FNXlvGTuDgTcLGIWKDo75Q==</a>
4158	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPZA==">https://simbli.eboardsolutions.com/SU/Lldu39d9d8NTNOW1shZPZA==</a>
4159	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==">https://simbli.eboardsolutions.com/SU/HoMI4ixzNoFrMhcAKsYU5Q==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkynX3fw==</a>

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4212.4 Health Examinations -  
<https://simbli.eboardsolutions.com/SU/RQiw5kZICOmKqEEHCuVAlA==>

4212.42 Drug And Alcohol Testing For School Bus Drivers -  
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4212.42 Drug And Alcohol Testing For School Bus Drivers -  
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4212.5 Criminal Record Check -  
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4212.5-E(1) Criminal Record Check -  
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4212.5-E PDF(1) Criminal Record Check -  
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4212.6 Personnel Files -  
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4212.9 Employee Notifications -  
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4212.9-E(1) Employee Notifications -  
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4212.9-E PDF(1) Employee Notifications -  
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4213.5 Working Remotely -  
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4219.1 Civil And Legal Rights -  
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4219.11 Sexual Harassment -  
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4219.11 Sexual Harassment -  
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4219.12 Title IX Sexual Harassment Complaint Procedures -  
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4219.12-E(1) Title IX Sexual Harassment Complaint Procedures -  
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4219.12-E PDF(1) Title IX Sexual Harassment Complaint Procedures -  
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4219.21 Professional Standards -  
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4219.21-E(1) Professional Standards -  
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4219.21-E PDF(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/52slshZb5LuYQskwfJSoBbVQQ==>

4219.22 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/73WaAoB7xvTiIWdyg8jPUA==>

4219.23 Unauthorized Release Of Confidential/Privileged Information -  
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4219.25 Political Activities Of Employees -  
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4219.25 Political Activities Of Employees -  
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4227 Temporary Athletic Team Coaches -  
<https://simbli.eboardsolutions.com/SU/3ofwf9BJayE72I4RVoDplusplusQ==>

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4227 Temporary Athletic Team Coaches -  
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4236 Nonschool Employment -  
<https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==>

4241 Collective Bargaining Agreement -  
<https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==>

4241.6 Concerted Action/Work Stoppage -  
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4241.6 Concerted Action/Work Stoppage -  
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4254 Health And Welfare Benefits -  
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4254 Health And Welfare Benefits -  
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4257 Employee Safety -  
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4257 Employee Safety -  
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4258 Employee Security -  
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4258 Employee Security -  
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4259 Employee Assistance Programs -  
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4261 Leaves - <https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbma==>

4261 Leaves - <https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==>

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

4312.42 Drug And Alcohol Testing For School Bus Drivers -  
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4312.42 Drug And Alcohol Testing For School Bus Drivers -  
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4312.5 Criminal Record Check -  
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4312.5-E(1) Criminal Record Check -  
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4312.5-E PDF(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIYnsishRBAHkptw==>

4312.6 Personnel Files -  
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4312.9 Employee Notifications -  
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4312.9-E(1) Employee Notifications -  
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4312.9-E PDF(1) Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVOPUpuUergz7w==>

4313.5 Working Remotely -  
<https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVliIFg1dcww==>

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

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

4319.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIsheZNHpgVg==>

4319.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/GoK7chDslshO0cPN2xYIVjhsIsHg==>

4319.12 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/XI9ICOEKKDimRslshJXsBtkkg==>

4319.12-E(1) Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/aomDgMkPUyslsbOT5oDJMKwQ==>

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 -  
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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 -  
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4319.25 Political Activities Of Employees -  
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4319.25 Political Activities Of Employees -  
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4327 Temporary Athletic Team Coaches -  
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4327 Temporary Athletic Team Coaches -  
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4336 Nonschool Employment -  
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4354 Health And Welfare Benefits -  
<https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==>

4354 Health And Welfare Benefits -  
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4357 Employee Safety -  
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4357 Employee Safety -  
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4358 Employee Security -  
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4358 Employee Security -  
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4359 Employee Assistance Programs -  
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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==>

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5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/Ibu6QGOoNPkptcFYicbKYg==">https://simbli.eboardsolutions.com/SU/Ibu6QGOoNPkptcFYicbKYg==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==">https://simbli.eboardsolutions.com/SU/ZGwh6CltgMZOn0Pvmdnzng==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==">https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==">https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==">https://simbli.eboardsolutions.com/SU/MfAhaHLgZdYUYNaeSYslsh2ow==</a>
5145.7	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==">https://simbli.eboardsolutions.com/SU/F81vgNUe2qhM9N9pNBTQtA==</a>
5145.71	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==">https://simbli.eboardsolutions.com/SU/rZPreTur6slsh2lqWSGKKtgXw==</a>
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qShCRxeqGOsBuNxpZPtPGQ==">https://simbli.eboardsolutions.com/SU/qShCRxeqGOsBuNxpZPtPGQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==">https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==">https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq9f7Kfh5Q==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT2uKSHg==">https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT2uKSHg==</a>
6162.54	Test Integrity/Test Preparation - <a href="https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==">https://simbli.eboardsolutions.com/SU/1uChFzb4l7hEf7qS6MfqAw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjOyqvira==">https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QjOyqvira==</a>
9321-E PDF(1)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==">https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==</a>
9321-E PDF(2)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==">https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==</a>

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**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.

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## 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.

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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/ytTLslshoozWGUAbNL6kKkgxQ==>

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

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDslishXk6R5akQ==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>

## Cross References

## Description

1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/dlGslshfvQqyWh8DLTuprGWw==">https://simbli.eboardsolutions.com/SU/dlGslshfvQqyWh8DLTuprGWw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOEJdr6rBfMaplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOEJdr6rBfMaplusbMplusg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==">https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEFroNGOKmFg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVbGbM2oPzSw==">https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVbGbM2oPzSw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YlUrw==">https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YlUrw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/RQslshkemJzfdllLrBjXYxC1w==">https://simbli.eboardsolutions.com/SU/RQslshkemJzfdllLrBjXYxC1w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52lGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52lGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943QTXDnJq9P0DHTlJzg==">https://simbli.eboardsolutions.com/SU/vx943QTXDnJq9P0DHTlJzg==</a>
4040	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==">https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStKTrQw==</a>
4040-E(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==">https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==</a>
4040-E PDF(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cwQGg==">https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cwQGg==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==">https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==">https://simbli.eboardsolutions.com/SU/L6i9RwB51Lbplusbnl35tH3Bg==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUg2Aozy5plusrWMBTJVdlsyg==</a>

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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/2wFCPnGtM48I3kplusPslshl0slshSw==>

4119.25 Political Activities Of Employees -  
<https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==>

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/53ooK6mub4JLplus3BKAlQeLA==>

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/sOOi3RNQ8Q2UrE6Qdbsubg==>

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

4240 Bargaining Units -  
<https://simbli.eboardsolutions.com/SU/ItAmE15lyRuHVP4IWhd7tg==>

4244 Complaints -  
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4244 Complaints -  
<https://simbli.eboardsolutions.com/SU/T94gjCe5she2IILWxwooVA==>

4319.21 Professional Standards -  
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4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==">https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==</a>
4319.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==">https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==">https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==">https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==">https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==</a>
4336	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXbQ==">https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXbQ==</a>
4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWvYX5FBWwfpZYNNIaKQRA==">https://simbli.eboardsolutions.com/SU/mzWvYX5FBWwfpZYNNIaKQRA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==">https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==">https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==">https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==</a>

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**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)

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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

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8 CFR 33700-33710

8 CFR 34020

8 CFR 34055

Severance of established unit

Petition to rescind organizational security arrangement

Reinstatement of organizational security arrangement

#### Management Resources References

Court Decision

Court Decision

Court Decision

Public Employment Relations Board Ruling

Public Employment Relations Board Ruling

Website

Website

Website

Website

Website

Website

Website

#### Description

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

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

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

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

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

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

California Federation of Teachers -  
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California Public Employment Relations Board -  
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California School Employees Association -  
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California Teachers Association -  
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Association of California School Administrators -  
<https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHxYbDPXEA==>

CSBA -  
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#### Cross References

0450

0450

0460

0460

1340

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1431

4113

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4115

4115

#### Description

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Comprehensive Safety Plan -  
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Local Control And Accountability Plan -  
<https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==>

Local Control And Accountability Plan -  
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Access To District Records -  
<https://simbli.eboardsolutions.com/SU/VQd4HhnIB5p7OgDHHuo3HA==>

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Waivers -  
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Assignment -  
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Evaluation/Supervision -  
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4119.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusbQ4LuGjZA==>

4119.25 Political Activities Of Employees -  
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4121 Temporary/Substitute Personnel -  
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4121 Temporary/Substitute Personnel -  
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4141 Collective Bargaining Agreement -  
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4143 Negotiations/Consultation -  
<https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==>

4151 Employee Compensation -  
<https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==>

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

4161.2 Personal Leaves -  
<https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cOBbyblqw==>

4219.1 Civil And Legal Rights -  
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4241 Collective Bargaining Agreement -  
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4261.2 Personal Leaves -  
<https://simbli.eboardsolutions.com/SU/uEkwbwYWWw5nplus48h2ZcgRMw==>

4300 Administrative And Supervisory Personnel -  
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4300 Administrative And Supervisory Personnel -  
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4301 Administrative Staff Organization -  
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4312.1 Contracts -  
<https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==>

4315 Evaluation/Supervision -  
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4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==">https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==</a>
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4351	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/SdFbv9zypQGp42fubiKLVw==">https://simbli.eboardsolutions.com/SU/SdFbv9zypQGp42fubiKLVw==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==">https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==</a>
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4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==">https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFFduR9FE4g==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==">https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvira==</a>
9321-E PDF(1)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==">https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==</a>
9321-E PDF(2)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==">https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==</a>

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**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:

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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.

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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

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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

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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 - <a href="https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24lj43Z8w==">https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24lj43Z8w==</a>
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

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**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/6TJlnbikoQhGwsWiH4ztXQ==>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

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4161

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**Description**Superintendent's Contract -  
<https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/lzQl6slshnwrwcwplusn8LplusKslshvsw==>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/Eytslsh362LVDh2aTivuLm8gA==>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/Lldu39d9d8NTNOW1shZpZA==>Leaves -  
<https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==>Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

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4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/RQajur05YQLDobGfDwFO7A==">https://simbli.eboardsolutions.com/SU/RQajur05YQLDobGfDwFO7A==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtPjM0w==">https://simbli.eboardsolutions.com/SU/U68jkBBwiztUHegLtPjM0w==</a>
4240	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==">https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==">https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==">https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9IQ==</a>
4243	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/rymByD6zXpDjldwBE51jfg==">https://simbli.eboardsolutions.com/SU/rymByD6zXpDjldwBE51jfg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnrvwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnrvwnkPcdw==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDEFSTUwAmg==">https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDEFSTUwAmg==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14lMXb4vgIRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14lMXb4vgIRlm84fA==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qzxig==">https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qzxig==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMEF3Yja1slshFg==">https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMEF3Yja1slshFg==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVOpUpuUergz7w==">https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVOpUpuUergz7w==</a>
4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==">https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/E2TOLpogkDECpTZGFtslshdMQ==">https://simbli.eboardsolutions.com/SU/E2TOLpogkDECpTZGFtslshdMQ==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==">https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPLYueeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPLYueeeBo4hULBQ==</a>
4361.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==">https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==</a>
4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==">https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJjMbB8XNA==</a>
5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==">https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==</a>

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5148

Child Care And Development -  
<https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plug==>

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**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)

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### 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

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

#### Federal References

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

#### Management Resources References

	Description
Attorney General Opinion	18 Ops.Cal.Atty.Gen. 178 (1951)
Attorney General Opinion	63 Ops.Cal.Atty.Gen. 924 (1978)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	77 Ops.Cal.Atty.Gen. 56 (1994)
Court Decision	Bowers v. San Buenaventura (1977) 75 Cal. App.3d 65
Court Decision	Wright v. City of Santa Clara (1989) 213 Cal. App.3d 1503
U.S. Department of Labor Publication	A Non-Technical Resource Guide to the Uniformed Services Employment and Reemployment Rights Act (USERRA), rev. April 2005
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIsHxk6R5akQ==</a>
Website	National Committee for Employer Support of the Guard and Reserve - <a href="https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIsHUUQ==">https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbsIsHUUQ==</a>
Website	U.S. Department of Labor, USERRA - <a href="https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==">https://simbli.eboardsolutions.com/SU/PNGGXVyMj8Zx0NMplus6qWUVA==</a>
Website	National School Boards Association - <a href="https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==">https://simbli.eboardsolutions.com/SU/PGLybcP29yufJSot5FEGJg==</a>

#### Cross References

	Description
2121	Superintendent's Contract - <a href="https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==">https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==</a>

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4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52iGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52iGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==</a>
4032	Reasonable Accommodation - <a href="https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==">https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshysfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnwrwplusn8LplusKslshysfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==">https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==">https://simbli.eboardsolutions.com/SU/BjEd40hv6bJfirolKsHpQQ==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyryzQxvw==">https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyryzQxvw==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/5Qi4FjGaDLWBXlrAxpA2fg==">https://simbli.eboardsolutions.com/SU/5Qi4FjGaDLWBXlrAxpA2fg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==</a>
4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==</a>
4217.3	Layoff/Rehire - <a href="https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==">https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXOTn9bigHuA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRIm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vgIRIm84fA==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxyzg==">https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxyzg==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUPuUergz7w==">https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUPuUergz7w==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPLYueeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPLYueeeBo4hULBQ==</a>
4361.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==">https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==</a>

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CSBA Sample District Policy Manual  
CSBA Policy Management Console

**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==>

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**Cross References****Description**

3515.3	District Police/Security Department - <a href="https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==">https://simbli.eboardsolutions.com/SU/xzE1kDD6MeebnuiCYEM5mw==</a>
3515.3	District Police/Security Department - <a href="https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==">https://simbli.eboardsolutions.com/SU/l1J1QKjZow3q8v7pZhTCDQ==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswf==">https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswf==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==">https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/BjEd40hy6bJfirolKslHpQQ==">https://simbli.eboardsolutions.com/SU/BjEd40hy6bJfirolKslHpQQ==</a>
4161.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==">https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir9NEw==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtpjM0w==</a>
4215	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslszhAQ==">https://simbli.eboardsolutions.com/SU/KVo7Z1slshuyf6nLyC0YsslszhAQ==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/53ooK6mub4Jlplus3BKAIOeLA==">https://simbli.eboardsolutions.com/SU/53ooK6mub4Jlplus3BKAIOeLA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==">https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==</a>
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - <a href="https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==">https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUkFEWg==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==">https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==</a>
4261.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==">https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==">https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVopUpuUergz7w==</a>
4361.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==">https://simbli.eboardsolutions.com/SU/SsWihs2DRXblzgW5Aplus4xw==</a>

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**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

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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

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  
Ed. Code 45109  
Ed. Code 45113  
Ed. Code 45123  
Ed. Code 45302  
Ed. Code 45303  
Ed. Code 45304  
Veh. Code 1808.8

#### 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  
Fixing of duties  
Notification of charges; classified employees  
Employment after conviction of controlled substance offense  
Demotion and removal from permanent classified service  
Additional cause for suspension or dismissal of employee charge with mandatory or optional leave of absence offense  
Compulsory leave of absence for classified persons  
School bus drivers; dismissal for safety-related cause

#### Federal References

42 USC 12101-12213  
U.S. Constitution

#### Description

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

#### Management Resources References

#### Description

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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 - <a href="https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==">https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==</a>
Website	Office of Administrative Hearings - <a href="https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==">https://simbli.eboardsolutions.com/SU/hkXUvTmkSbRSTlh3V79tXg==</a>
Website	Department of General Services, About Teacher Dismissal Case Type - <a href="https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlLeA==">https://simbli.eboardsolutions.com/SU/9nslshuTpTNHO70H14ljlLeA==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==</a>

#### Cross References

1114	District-Sponsored Social Media - <a href="https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAJtkQSG==">https://simbli.eboardsolutions.com/SU/GPX87YasvLlgrwrAJtkQSG==</a>
<del>1114</del>	<del>District-Sponsored Social Media - <a href="https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==">https://simbli.eboardsolutions.com/SU/yjVorBCGm2rPCjkELGVV5A==</a></del>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==">https://simbli.eboardsolutions.com/SU/dlGslshfvOqyWh8DLTuprGWw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrqf8QJfVdSVEdfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrqf8QJfVdSVEdfwjAA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksish8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpkY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpkY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TEHYg==">https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7l1TEHYg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==">https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/ezsishZHMnYpluscHnfpO2vztUslshg==">https://simbli.eboardsolutions.com/SU/ezsishZHMnYpluscHnfpO2vztUslshg==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==">https://simbli.eboardsolutions.com/SU/htmpuswvNopsrGRvHnZmL57Q==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/YcXDckQsxpNcLpvl3ATJA==">https://simbli.eboardsolutions.com/SU/YcXDckQsxpNcLpvl3ATJA==</a>
3513.3	Tobacco-Free Schools - <a href="https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjCavbVoQ==">https://simbli.eboardsolutions.com/SU/PD0MCVslshDCYPHDWjCavbVoQ==</a>
3513.4	Drug And Alcohol Free Schools - <a href="https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==">https://simbli.eboardsolutions.com/SU/ryiOKslshMplusW4HslshslshWMh5sSZ1w==</a>
3515.2	Disruptions - <a href="https://simbli.eboardsolutions.com/SU/CwDXzUwOzlplusMOB6G2FjxUVQ==">https://simbli.eboardsolutions.com/SU/CwDXzUwOzlplusMOB6G2FjxUVQ==</a>
3515.2	Disruptions - <a href="https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==">https://simbli.eboardsolutions.com/SU/plusM9xri3ZWfyas59c77cpluscg==</a>

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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/4QWcENQXnTQFBLEpluszfCyyw==>

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/3Md2dslshuyErpXYhjStKTrQw==>

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/slshnzMWdvaZpZnNpZplusoEf8ILQ==>

4112.42 Drug And Alcohol Testing For School Bus Drivers -  
<https://simbli.eboardsolutions.com/SU/plusx1slshGxTJQKJXLOKYP8gplusg==>

4112.5 Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/XxVcsvXeI4TKDtGnWVslshaAA==>

4112.5-E(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==>

4112.5-E PDF(1) Criminal Record Check -  
<https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==>

4112.6 Personnel Files -  
<https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==>

4113.5 Working Remotely -  
<https://simbli.eboardsolutions.com/SU/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/cwaQhFQnPhGFvkogTSlshvoA==>

4119.12-E(1) Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/rQB42ElpiyuEXBil5SctVQ==>

4119.12-E PDF(1) Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/fslshcrFHUsDw0YFjvy2R0xQg==>

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

4119.21-E(1) Professional Standards -  
<https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsfSgPwQ==>

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4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==</a>
4119.22	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrsIshMaMYLw==">https://simbli.eboardsolutions.com/SU/JEV8w6UMpXbhNFrsIshMaMYLw==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==">https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==</a>
4119.24	Maintaining Appropriate Adult-Student Interactions - <a href="https://simbli.eboardsolutions.com/SU/xhAsIsh4UhGwmbKwkbLSslf4Q==">https://simbli.eboardsolutions.com/SU/xhAsIsh4UhGwmbKwkbLSslf4Q==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJJdgUB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/rdpZrJrsafxuBrElchGnA==">https://simbli.eboardsolutions.com/SU/rdpZrJrsafxuBrElchGnA==</a>
4127	Temporary Athletic Team Coaches - <a href="https://simbli.eboardsolutions.com/SU/QZQYyuTYMNL2Ja28meyerEQ==">https://simbli.eboardsolutions.com/SU/QZQYyuTYMNL2Ja28meyerEQ==</a>
4136	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/kG34JHzl7hlemKdooJNm9g==">https://simbli.eboardsolutions.com/SU/kG34JHzl7hlemKdooJNm9g==</a>
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4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==</a>
4157	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVtQ==">https://simbli.eboardsolutions.com/SU/URy09LOe63e3ejYa2WLVtQ==</a>
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4159	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/HoMl4ixzNoFrMhcAKsYU5Q==">https://simbli.eboardsolutions.com/SU/HoMl4ixzNoFrMhcAKsYU5Q==</a>
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4161.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir2NEw==">https://simbli.eboardsolutions.com/SU/HD5z3OhqJS1829uMir2NEw==</a>
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4212	Appointment And Conditions Of Employment - <a href="https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==">https://simbli.eboardsolutions.com/SU/lxFxNaSMhpQ8wsNQbau8LA==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/QgJTxWzNHPacaieY2R44UQ==">https://simbli.eboardsolutions.com/SU/QgJTxWzNHPacaieY2R44UQ==</a>
4212.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==">https://simbli.eboardsolutions.com/SU/vRslshvw9XAfld9jXuR4KOLkg==</a>

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4212.5 Criminal Record Check -  
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4212.5-E(1) Criminal Record Check -  
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4212.5-E PDF(1) Criminal Record Check -  
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4212.6 Personnel Files -  
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4213.5 Working Remotely -  
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4216 Probationary/Permanent Status -  
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4219.1 Civil And Legal Rights -  
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4219.12 Title IX Sexual Harassment Complaint Procedures -  
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4219.12-E(1) Title IX Sexual Harassment Complaint Procedures -  
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4219.12-E PDF(1) Title IX Sexual Harassment Complaint Procedures -  
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4219.21 Professional Standards -  
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4219.21-E(1) Professional Standards -  
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4219.21-E PDF(1) Professional Standards -  
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4219.22 Dress And Grooming -  
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4219.23 Unauthorized Release Of Confidential/Privileged Information -  
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4219.24 Maintaining Appropriate Adult-Student Interactions -  
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4219.25 Political Activities Of Employees -  
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4219.25 Political Activities Of Employees -  
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4227 Temporary Athletic Team Coaches -  
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4227 Temporary Athletic Team Coaches -  
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4236 Nonschool Employment -  
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4241.6 Concerted Action/Work Stoppage -  
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4241.6 Concerted Action/Work Stoppage -  
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4254 Health And Welfare Benefits -  
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4254 Health And Welfare Benefits -  
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4257	Employee Safety - <a href="https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==">https://simbli.eboardsolutions.com/SU/NXiCt6XfmCK7qCqQ6765sQ==</a>
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4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnvrwnkPcdw==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==">https://simbli.eboardsolutions.com/SU/HzleDphm05nyuDFSTUwAmg==</a>
4259	Employee Assistance Programs - <a href="https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44lplusJCUQ==">https://simbli.eboardsolutions.com/SU/fRGxQc7Yplus8ZsrZ44lplusJCUQ==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
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4261.11	Industrial Accident/Illness Leave - <a href="https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==">https://simbli.eboardsolutions.com/SU/4NdayG8LNJplusn9rWReq8arA==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==">https://simbli.eboardsolutions.com/SU/CgnDx1BIZbUtFWHVgyEOgA==</a>
4312.42	Drug And Alcohol Testing For School Bus Drivers - <a href="https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0QUw==">https://simbli.eboardsolutions.com/SU/GVplusn4gQA3IKplus4knVTn0QUw==</a>
4312.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==">https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QFmawLNjVQ==</a>
4312.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==">https://simbli.eboardsolutions.com/SU/IDd97ZTIGWbSslshXQAq9Hd3w==</a>
4312.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/4ekuJY8plusKlYnslshRBAHkptw==">https://simbli.eboardsolutions.com/SU/4ekuJY8plusKlYnslshRBAHkptw==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==">https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==</a>
4313.5	Working Remotely - <a href="https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVlilFg1dcww==">https://simbli.eboardsolutions.com/SU/ktlIO4qOhdfVlilFg1dcww==</a>
4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==">https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==</a>
4319.12	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==">https://simbli.eboardsolutions.com/SU/XI9iCOEKKDimRslshJXsBtkkg==</a>
4319.12-E(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==">https://simbli.eboardsolutions.com/SU/aomDgMkPUyslshbOT5oDJMKwQ==</a>
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6VfGrbnQ==">https://simbli.eboardsolutions.com/SU/eaHkgoUI5B0rKy6VfGrbnQ==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==">https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==">https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==</a>
4319.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==">https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==</a>
4319.22	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/tclULDJ5tC01jFJvlegqoA==">https://simbli.eboardsolutions.com/SU/tclULDJ5tC01jFJvlegqoA==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==">https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==</a>
4319.24	Maintaining Appropriate Adult-Student Interactions - <a href="https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==">https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==</a>

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4319.25 Political Activities Of Employees -  
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4327 Temporary Athletic Team Coaches -  
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4327 Temporary Athletic Team Coaches -  
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4336 Nonschool Employment -  
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4354 Health And Welfare Benefits -  
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4354 Health And Welfare Benefits -  
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4357 Employee Safety -  
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4357 Employee Safety -  
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4358 Employee Security -  
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4358 Employee Security -  
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4359 Employee Assistance Programs -  
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4361 Leaves - <https://simbli.eboardsolutions.com/SU/37Bp9HjmWAWCtBvKgLwUOQ==>

4361 Leaves - <https://simbli.eboardsolutions.com/SU/m93RQnCPLYeEeeBo4hULBQ==>

4361.11 Industrial Accident/Illness Leave -  
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5145.3 Nondiscrimination/Harassment -  
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5145.3 Nondiscrimination/Harassment -  
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5145.7 Sexual Harassment -  
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5145.7 Sexual Harassment -  
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5145.71 Title IX Sexual Harassment Complaint Procedures -  
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5145.71-E PDF(1) Title IX Sexual Harassment Complaint Procedures -  
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5145.9 Hate-Motivated Behavior -  
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6145.2 Athletic Competition -  
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6145.2 Athletic Competition -  
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6162.54 Test Integrity/Test Preparation -  
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9000 Role Of The Board -  
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9321 Closed Session -  
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9321-E PDF(1)

Closed Session -  
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9321-E PDF(2)

Closed Session -  
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**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

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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

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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

U.S. Constitution

#### Description

Americans with Disabilities Act

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

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

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

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4358 Employee Security -  
<https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmb3nNvXObg==>

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==>

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==>

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5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==">https://simbli.eboardsolutions.com/SU/qSbCRxeqGOsBuNxpZPtPGQ==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==">https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/WjFHslshdQqO8WHJq9f7Kfh5Q==">https://simbli.eboardsolutions.com/SU/WjFHslshdQqO8WHJq9f7Kfh5Q==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==">https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==</a>
6162.54	Test Integrity/Test Preparation - <a href="https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==">https://simbli.eboardsolutions.com/SU/1uChFzb4I7hEf7qS6MfqAw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==">https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==</a>
9321-E PDF(1)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNG==">https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNG==</a>
9321-E PDF(2)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==">https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==</a>

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

Status: ADOPTED

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

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

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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 - <a href="https://simbli.eboardsolutions.com/SU/l83sAV1PToNrlj4NXUbb8Q==">https://simbli.eboardsolutions.com/SU/l83sAV1PToNrlj4NXUbb8Q==</a>
Ed. Code 11500-11506	Programs to encourage parent involvement - <a href="https://simbli.eboardsolutions.com/SU/wKyoGhsy1ENTUaG49NVwoA==">https://simbli.eboardsolutions.com/SU/wKyoGhsy1ENTUaG49NVwoA==</a>
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

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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/hkXUyTmkSbRSTlh3V79tXg==>  
 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/67J2ZGIOTPLIPKJLPNZBKQ==>

#### **Description**

Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/dIGslshefvOqyWh8DLTuprGWw==>

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1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrf8OJfVdSVeEdfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrf8OJfVdSVeEdfwjAA==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/QVH379RjC0a1aO7I1TFHYg==">https://simbli.eboardsolutions.com/SU/QVH379RjC0a1aO7I1TFHYg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==">https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==</a>
4000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==">https://simbli.eboardsolutions.com/SU/3mx5slshSslshVUX9evNt7pb637w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnIq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnIq9P0DHTilzg==</a>
4112.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/XxVcsvgXel4TKDtGnWVslshaAA==">https://simbli.eboardsolutions.com/SU/XxVcsvgXel4TKDtGnWVslshaAA==</a>
4112.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==">https://simbli.eboardsolutions.com/SU/iMqubXqetDmZQ7GVyqkl7w==</a>
4112.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==">https://simbli.eboardsolutions.com/SU/UxsEts3DeYslshRZpXyPvEL7w==</a>
4112.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==">https://simbli.eboardsolutions.com/SU/slshc7i5jiVl8pLyA79vr9rhw==</a>
4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==">https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==">https://simbli.eboardsolutions.com/SU/8tRAPBREHq5fJpslshz0HVtfw==</a>
4119.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/QRcWQUtgJcCDcHbky2IRQ==">https://simbli.eboardsolutions.com/SU/QRcWQUtgJcCDcHbky2IRQ==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==</a>
4119.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsESgPwQ==">https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsESgPwQ==</a>
4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==</a>
4119.24	Maintaining Appropriate Adult-Student Interactions - <a href="https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSslf4Q==">https://simbli.eboardsolutions.com/SU/xhAslsh4UhGwmbKwkbLSslf4Q==</a>
4141	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==">https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==</a>
4200	Classified Personnel - <a href="https://simbli.eboardsolutions.com/SU/slshltwGtKQogyT4GXakWHcmg==">https://simbli.eboardsolutions.com/SU/slshltwGtKQogyT4GXakWHcmg==</a>
4200	Classified Personnel - <a href="https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTGrG0G6lY9g==">https://simbli.eboardsolutions.com/SU/KJ0YndqnU7HBTGrG0G6lY9g==</a>
4212.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==">https://simbli.eboardsolutions.com/SU/zlCQLKslshYYocj135d8hWslshpQ==</a>
4212.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOQ==">https://simbli.eboardsolutions.com/SU/LslshSXSeZT2aDisDUZFoIGOQ==</a>
4212.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==">https://simbli.eboardsolutions.com/SU/sDVasU4nkvGVxDODtvXKqg==</a>
4212.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==">https://simbli.eboardsolutions.com/SU/Kp3DemXWMRr4slshb8EnhyJPw==</a>
4216	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==">https://simbli.eboardsolutions.com/SU/y3QVGjp7mUPym2Tw8APoplusA==</a>

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4219.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/qInWNgn2LFsIshDzTCLsIsh592A==">https://simbli.eboardsolutions.com/SU/qInWNgn2LFsIshDzTCLsIsh592A==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9Ipm2w==">https://simbli.eboardsolutions.com/SU/ThsBkTwebyi3QrSE9Ipm2w==</a>
4219.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/f0Iz7oK8fOTNnMJg3w7aWA==">https://simbli.eboardsolutions.com/SU/f0Iz7oK8fOTNnMJg3w7aWA==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==">https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==</a>
4219.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SZsIshTkenVfGb5PHogpS5WHg==">https://simbli.eboardsolutions.com/SU/SZsIshTkenVfGb5PHogpS5WHg==</a>
4219.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/52sIshZb5LuY0skwfJSoBbV0Q==">https://simbli.eboardsolutions.com/SU/52sIshZb5LuY0skwfJSoBbV0Q==</a>
4219.24	Maintaining Appropriate Adult-Student Interactions - <a href="https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==">https://simbli.eboardsolutions.com/SU/5jMxddslshCGQnzzslshENYSWHwA==</a>
4241	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==">https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==</a>
4312.5	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QEmaWLNjVQ==">https://simbli.eboardsolutions.com/SU/87h9kHh1nis8QEmaWLNjVQ==</a>
4312.5-E(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/IDd9Z7TIGWbSslshXQAq9Hd3w==">https://simbli.eboardsolutions.com/SU/IDd9Z7TIGWbSslshXQAq9Hd3w==</a>
4312.5-E PDF(1)	Criminal Record Check - <a href="https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIYnslshRBAHkptw==">https://simbli.eboardsolutions.com/SU/4ekuJY8plusKIYnslshRBAHkptw==</a>
4312.6	Personnel Files - <a href="https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==">https://simbli.eboardsolutions.com/SU/fiFVux1oWapNdGxQ1UZ7Fg==</a>
4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==">https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGMRW95yTHU1Q==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIshZNHpgVg==">https://simbli.eboardsolutions.com/SU/4Vvv7i0i6uHdgsIshZNHpgVg==</a>
4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/GoK7chDsIshO0cPN2xYIVjhsIshg==">https://simbli.eboardsolutions.com/SU/GoK7chDsIshO0cPN2xYIVjhsIshg==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==">https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==</a>
4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==">https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==</a>
4319.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==">https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==</a>
4319.24	Maintaining Appropriate Adult-Student Interactions - <a href="https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==">https://simbli.eboardsolutions.com/SU/TfmyZrlu6Sbfbf82Jo04jQ==</a>

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**Policy 4219.1: Civil And Legal Rights**

Status: ADOPTED

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

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.

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## 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.

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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/ytTLslshoozWGUAbNL6kKkgxQ==>

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

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>

Cross References	Description
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/dIGslshefvQqYWh8DLTuprGWw==">https://simbli.eboardsolutions.com/SU/dIGslshefvQqYWh8DLTuprGWw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVEdfwjAA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEfroNGQKmfEg==">https://simbli.eboardsolutions.com/SU/ucnDWxF6hGHEfroNGQKmfEg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/c91k4TalBYjVhGbM2oPzSw==">https://simbli.eboardsolutions.com/SU/c91k4TalBYjVhGbM2oPzSw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVh50Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVh50Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==">https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllLrBjXYxC1w==">https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllLrBjXYxC1w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==</a>
4040	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStkTrQw==">https://simbli.eboardsolutions.com/SU/3Md2dslshuyFrpXYhjStkTrQw==</a>
4040-E(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==">https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==</a>
4040-E PDF(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==">https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==">https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==">https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==</a>

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4119.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==">https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGsFSgPwQ==</a>
4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==">https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
4132	Publication Or Creation Of Materials - <a href="https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXJA==">https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXJA==</a>
4136	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==">https://simbli.eboardsolutions.com/SU/kG34JHzi7hlemKdooJNm9g==</a>
4140	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==">https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60QAE0w==">https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60QAE0w==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==">https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlQeLA==">https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAlQeLA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDhuCig==">https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDhuCig==</a>
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - <a href="https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==">https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==">https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==</a>
4219.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==">https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==</a>
4219.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==">https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==">https://simbli.eboardsolutions.com/SU/DzT84jciN31dA5odXslshEoA==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussEQSqTDILbw==">https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussEQSqTDILbw==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==">https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==</a>
4232	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==">https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==</a>
4236	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==">https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==</a>
4240	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==">https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==">https://simbli.eboardsolutions.com/SU/dpWU08slsh6hjddsVYvxoilag==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwqaVA==">https://simbli.eboardsolutions.com/SU/T94gjCe5she2llWxwqaVA==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==">https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==</a>

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4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==">https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==</a>
4319.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==">https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==">https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==">https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==">https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==</a>
4336	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==">https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==</a>
4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==">https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==">https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==">https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==">https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==</a>

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**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)

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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

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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)

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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

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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

8 CCR 33015-33490  
8 CCR 33700-33710  
8 CCR 34020  
8 CCR 34055  
Ed. Code 45060-45061.5  
Ed. Code 45100.5  
Ed. Code 45104.5  
Ed. Code 45108.5  
Ed. Code 45108.7  
Ed. Code 45168  
Ed. Code 45220-45320  
Gov. Code 3540-3549.3  
Gov. Code 3540.1  
Gov. Code 3543.4  
Gov. Code 3545  
Gov. Code 3550-3552  
Gov. Code 3555-3559  
Gov. Code 53260-53264  
Gov. Code 6205-6210  
Gov. Code 6254.3  
Gov. Code 6503.5

#### Description

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

#### Federal References

8 CFR 33015-33490

#### Description

Recognition of exclusive representative; proceedings

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==</a>
Website	California Federation of Teachers - <a href="https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWIH4ztXQ==">https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWIH4ztXQ==</a>
Website	California Public Employment Relations Board - <a href="https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==">https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==</a>
Website	California School Employees Association - <a href="https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==">https://simbli.eboardsolutions.com/SU/NOB1plusNOcLNRMHnggHE1slshjg==</a>
Website	California Teachers Association - <a href="https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==">https://simbli.eboardsolutions.com/SU/w58tUBBtGnaF0rMUPlwN0g==</a>
Website	Association of California School Administrators - <a href="https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHvxBdPXeA==">https://simbli.eboardsolutions.com/SU/DMWjqGR6N1ooUHvxBdPXeA==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

#### Cross References

#### Description

0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/EQOZDcYoBERqzRucs3xsMA==">https://simbli.eboardsolutions.com/SU/EQOZDcYoBERqzRucs3xsMA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==">https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==">https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==">https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7QgDHHuo3HA==">https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7QgDHHuo3HA==</a>
1340	Access To District Records - <a href="https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==">https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==</a>
1431	Waivers - <a href="https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==">https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==</a>
4113	Assignment - <a href="https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==">https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==</a>
4113	Assignment - <a href="https://simbli.eboardsolutions.com/SU/BHJLvt0UWplupJ20aXCvNAPQ==">https://simbli.eboardsolutions.com/SU/BHJLvt0UWplupJ20aXCvNAPQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==">https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==</a>
4115	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/YXWh5Jlsc6OnRyofY3IEw==">https://simbli.eboardsolutions.com/SU/YXWh5Jlsc6OnRyofY3IEw==</a>

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4119.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==">https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==</a>
4141	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==">https://simbli.eboardsolutions.com/SU/wSbplusNslshzmwtp8Du1J7fxoGg==</a>
4143	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==">https://simbli.eboardsolutions.com/SU/plusQw524YQnq7oFZ8zRrV6Pg==</a>
4151	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==">https://simbli.eboardsolutions.com/SU/slshEmu3YLeYOPsKNjIKLuChQ==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==">https://simbli.eboardsolutions.com/SU/8w7jXCSa7Dmj2OhsA1O4mg==</a>
4154	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==">https://simbli.eboardsolutions.com/SU/bUKajshf9NH4tnZl9utk7g==</a>
4161.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cQBvblqw==">https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cQBvblqw==</a>
4219.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/qlnWNg2LFslshDzTCLslsh592A==">https://simbli.eboardsolutions.com/SU/qlnWNg2LFslshDzTCLslsh592A==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILbw==">https://simbli.eboardsolutions.com/SU/EpuQDzLygwplussQSQTDILbw==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==">https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==</a>
4241	Collective Bargaining Agreement - <a href="https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==">https://simbli.eboardsolutions.com/SU/HilDt0mq6toKw0vAGRcktA==</a>
4243	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==">https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==</a>
4251	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplugsRgxQ==">https://simbli.eboardsolutions.com/SU/XwmaYplusCUz0TmQhxrplugsRgxQ==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==">https://simbli.eboardsolutions.com/SU/A1ITc070plusq5qXGSvtT8tew==</a>
4254	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVdL3OkzA==">https://simbli.eboardsolutions.com/SU/4MRmnj4J0iqDWVdL3OkzA==</a>
4261.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/uEkwbwYwW5nplus48h2ZcgRMw==">https://simbli.eboardsolutions.com/SU/uEkwbwYwW5nplus48h2ZcgRMw==</a>
4300	Administrative And Supervisory Personnel - <a href="https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==">https://simbli.eboardsolutions.com/SU/LFXzXmpvUZIVfhoVlrAWtQ==</a>
4300	Administrative And Supervisory Personnel - <a href="https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==">https://simbli.eboardsolutions.com/SU/gTre2dsFDBdtNTDqslshUjsow==</a>
4301	Administrative Staff Organization - <a href="https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==">https://simbli.eboardsolutions.com/SU/alrszldT1JFDiYicZH1EPg==</a>
4312.1	Contracts - <a href="https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==">https://simbli.eboardsolutions.com/SU/u22KslshC8a3wG7fRWzzQXdjA==</a>
4315	Evaluation/Supervision - <a href="https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==">https://simbli.eboardsolutions.com/SU/t2D4Ufe1Gcn103DgcL8Dpw==</a>

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4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==">https://simbli.eboardsolutions.com/SU/XWa15T9slshJVGmRW95yTHU1Q==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==">https://simbli.eboardsolutions.com/SU/yaplusFLKGYeK7yfxXubPVLrQ==</a>
4351	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==">https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==">https://simbli.eboardsolutions.com/SU/6BM2yTUYAw67FplusFDpspluslNA==</a>
4354	Health And Welfare Benefits - <a href="https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==">https://simbli.eboardsolutions.com/SU/rplusmwwksFJslufmMFbAX0vQ==</a>
4361.2	Personal Leaves - <a href="https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==">https://simbli.eboardsolutions.com/SU/T2aqRlucvjms46uHEktDnQ==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFduR9FE4g==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Qkac2n002IH7QiOyqvira==">https://simbli.eboardsolutions.com/SU/6Qkac2n002IH7QiOyqvira==</a>
9321-E PDF(1)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==">https://simbli.eboardsolutions.com/SU/vBUvmtCplus4dg0F3rabOZPNg==</a>
9321-E PDF(2)	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==">https://simbli.eboardsolutions.com/SU/Z3jPyRYtdSQqCXwy23swSg==</a>

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**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:

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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.

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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

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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

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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

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**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 - <a href="https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24J43Z8w==">https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24J43Z8w==</a>
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

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**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  
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**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/UdykszdmPETuDslshXk6R5akQ==>  
California Department of Industrial Relations - <https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==>  
California Federation of Teachers - <https://simbli.eboardsolutions.com/SU/6TJlnbikoQhGwsWiH4ztXQ==>  
California Public Employment Relations Board - <https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511Tslsh2ew==>  
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**Cross References**

2121  
4112.9  
4112.9-E(1)  
4112.9-E PDF(1)  
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4141.6  
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**Description**

Superintendent's Contract - <https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>  
Employee Notifications - <https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsw==>  
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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==>  
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4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
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4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
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4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjMOW==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjMOW==</a>
4240	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==">https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==">https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==</a>
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4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==">https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMEF3Yja1slshFg==">https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMEF3Yja1slshFg==</a>
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4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKQRA==">https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKQRA==</a>
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4361.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJJMbB8XNA==">https://simbli.eboardsolutions.com/SU/qfxyeoli1L04rJJMbB8XNA==</a>
5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==">https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==</a>

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Child Care And Development -  
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**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.

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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)

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### 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. 399
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)

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**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)

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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/UdykszdmPETuDslshXk6R5akQ==>

National Committee for Employer Support of the Guard and Reserve -  
<https://simbli.eboardsolutions.com/SU/YYN378LPYzj3jvdJKbslshUUQ==>

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

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#### Description

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

4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==</a>
4032	Reasonable Accommodation - <a href="https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==">https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvswfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==">https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluwjzg==</a>
4112.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/BjEd4Qhv6bJfirolKsHpQQ==">https://simbli.eboardsolutions.com/SU/BjEd4Qhv6bJfirolKsHpQQ==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==">https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyrzyQxvw==</a>
4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==">https://simbli.eboardsolutions.com/SU/5Oi4FjGaDLWBXlrAxpA2fg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqTJUX7vSg==">https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqTJUX7vSg==</a>
4161	Leaves - <a href="https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==">https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==</a>
4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntfw==">https://simbli.eboardsolutions.com/SU/dRLduplushLitByDflajDntfw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==</a>
4217.3	Layoff/Rehire - <a href="https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXQTn9bigHuA==">https://simbli.eboardsolutions.com/SU/gaL5XRA3u5fXQTn9bigHuA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==">https://simbli.eboardsolutions.com/SU/7IGWMkFdeFkQBbHk7qxzig==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqQQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
4312.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVOPUpuUergz7w==">https://simbli.eboardsolutions.com/SU/LslshgslshO92fRVOPUpuUergz7w==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAwCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPlyUeeeBo4hULBQ==</a>
4361.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==">https://simbli.eboardsolutions.com/SU/VCSQ7zJplus5y1nFHLGslshrl5oA==</a>

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**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.

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## 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.

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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

#### Description

CA Constitution Article 1, Section 1	Inalienable rights
Ed. Code 200-262.4	Prohibition of discrimination - <a href="https://simblyeboardsolutions.com/SU/ytLslshoozWGUAAbNL6kKkgxQ==">https://simblyeboardsolutions.com/SU/ytLslshoozWGUAAbNL6kKkgxQ==</a>
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

#### Description

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

#### Description

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

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==</a>
Website	California Office of the Attorney General - <a href="https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==">https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==</a>

#### Cross References

#### Description

1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/dIGslshfvQyWh8DLTuprGWw==">https://simbli.eboardsolutions.com/SU/dIGslshfvQyWh8DLTuprGWw==</a>
1312.1	Complaints Concerning District Employees - <a href="https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVFedfwjAA==">https://simbli.eboardsolutions.com/SU/ZCplusrqf8OJfVdSVFedfwjAA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/ucnDWxE6hGHEFroNGOKmFg==">https://simbli.eboardsolutions.com/SU/ucnDWxE6hGHEFroNGOKmFg==</a>
3320	Claims And Actions Against The District - <a href="https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVbGbM2oPzSw==">https://simbli.eboardsolutions.com/SU/c91k4TaIBYjVbGbM2oPzSw==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==">https://simbli.eboardsolutions.com/SU/qQg2Qs0VtgXvS1coVhS0Pg==</a>
3400	Management Of District Assets/Accounts - <a href="https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==">https://simbli.eboardsolutions.com/SU/EEPE8KLEmi83u81NRq4qNw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==">https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==">https://simbli.eboardsolutions.com/SU/ROslshkemJzfdllrBjXYxC1w==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==</a>
4040	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/3Md2dsIshuyFrpXYhjStKTrQw==">https://simbli.eboardsolutions.com/SU/3Md2dsIshuyFrpXYhjStKTrQw==</a>
4040-E(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==">https://simbli.eboardsolutions.com/SU/Fe6BHPH6DOzDpVRGUqP8hQ==</a>
4040-E PDF(1)	Employee Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==">https://simbli.eboardsolutions.com/SU/josKeRFFqslshEcP1vE5cw0Gg==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==">https://simbli.eboardsolutions.com/SU/1feQnJxnTqXT1BhlvWdeWA==</a>
4118	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==">https://simbli.eboardsolutions.com/SU/L6i9RwB51LbplusbnI35tH3Bg==</a>
4119.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==">https://simbli.eboardsolutions.com/SU/RUG2Aozy5plusrWMBTJVdlsyg==</a>

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4119.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGFSgPwQ==">https://simbli.eboardsolutions.com/SU/YZXplusYQTz0U6OMJGFSgPwQ==</a>
4119.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==">https://simbli.eboardsolutions.com/SU/vF87GYLXytUMmUN2SXjO0g==</a>
4119.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==">https://simbli.eboardsolutions.com/SU/2wFCPnGtM48l3kplusPslshl0slshSw==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==">https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==</a>
4119.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==">https://simbli.eboardsolutions.com/SU/dvZ7mfqfvA0YM7xxypEMfw==</a>
4132	Publication Or Creation Of Materials - <a href="https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==">https://simbli.eboardsolutions.com/SU/A6lhj3LSheVqArWU9OaXjA==</a>
4136	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/kg34JHzi7hlemKdooJNm9g==">https://simbli.eboardsolutions.com/SU/kg34JHzi7hlemKdooJNm9g==</a>
4140	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==">https://simbli.eboardsolutions.com/SU/ZdmcuZUIYv3uD1O7CuaxXA==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAEQw==">https://simbli.eboardsolutions.com/SU/gUFnuw70jWGezEp60OAEQw==</a>
4144	Complaints - <a href="https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==">https://simbli.eboardsolutions.com/SU/slshuuXuplus3vKAplusjaXKpilZpQQ==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIQeLA==">https://simbli.eboardsolutions.com/SU/53ooK6mub4JLplus3BKAIQeLA==</a>
4218	Dismissal/Suspension/Disciplinary Action - <a href="https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==">https://simbli.eboardsolutions.com/SU/Exyplus8bf8wU5QNILUDbuCig==</a>
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System) - <a href="https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==">https://simbli.eboardsolutions.com/SU/Gs8gwy3Wx2plusPXU7EUKFEWg==</a>
4219.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==">https://simbli.eboardsolutions.com/SU/577ui4NZDgpHKG5NJplussQbA==</a>
4219.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==">https://simbli.eboardsolutions.com/SU/SZslshTkenVfGb5PHogpS5WHg==</a>
4219.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==">https://simbli.eboardsolutions.com/SU/52slshZb5LuY0skwfJSoBbV0Q==</a>
4219.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==">https://simbli.eboardsolutions.com/SU/DzT84jcjiN31dA5odXslshEoA==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/EpuQDzLygwpplusseQSQTDILbw==">https://simbli.eboardsolutions.com/SU/EpuQDzLygwpplusseQSQTDILbw==</a>
4219.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==">https://simbli.eboardsolutions.com/SU/7hEQzj8hdkRLUYbn3mcUYw==</a>
4232	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==">https://simbli.eboardsolutions.com/SU/sOOi3RNQ8O2UrE6Qdbsubg==</a>
4236	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==">https://simbli.eboardsolutions.com/SU/2EYq4TWTxHfIKGniO4gkGA==</a>
4240	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWdh7tg==">https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWdh7tg==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/dpWU08slsh6hddsvYvxoilag==">https://simbli.eboardsolutions.com/SU/dpWU08slsh6hddsvYvxoilag==</a>
4244	Complaints - <a href="https://simbli.eboardsolutions.com/SU/T94gjCe5she2lLWxwooVA==">https://simbli.eboardsolutions.com/SU/T94gjCe5she2lLWxwooVA==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==">https://simbli.eboardsolutions.com/SU/53YbPV2hoKqYj7h7jg34plusA==</a>

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4319.21-E(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==">https://simbli.eboardsolutions.com/SU/KC2bJWRJcvPY6NBslshOucarQ==</a>
4319.21-E PDF(1)	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==">https://simbli.eboardsolutions.com/SU/u6TpxPrplusLKIUDjY7bpOkaw==</a>
4319.23	Unauthorized Release Of Confidential/Privileged Information - <a href="https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==">https://simbli.eboardsolutions.com/SU/X3ta8p18splcxmJVplusXplusnZQ==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==">https://simbli.eboardsolutions.com/SU/Qqh1ZB30DJcLlxmSo6Ca3A==</a>
4319.25	Political Activities Of Employees - <a href="https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==">https://simbli.eboardsolutions.com/SU/yapplusFLKGYeK7yfxXubPVLrQ==</a>
4332	Publication or Creation of Materials - <a href="https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==">https://simbli.eboardsolutions.com/SU/GlsishGwQt15nlsUrEfg1bgaA==</a>
4336	Nonschool Employment - <a href="https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==">https://simbli.eboardsolutions.com/SU/qK9cCPXhorJH0YcplusuQVXhQ==</a>
4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWyx5FBWwfpZYYNlaKQRA==">https://simbli.eboardsolutions.com/SU/mzWyx5FBWwfpZYYNlaKQRA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==">https://simbli.eboardsolutions.com/SU/0m0xiT7oKn9m9TLZpluszeRyA==</a>
4344	Complaints - <a href="https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==">https://simbli.eboardsolutions.com/SU/35PWlyWDSczCYbz2slshslshaWog==</a>
9260	Legal Protection - <a href="https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==">https://simbli.eboardsolutions.com/SU/TdGgHj7XaYoQFbqsm2aaplug==</a>

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**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)

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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

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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

8 CCR 33015-33490  
8 CCR 33700-33710  
8 CCR 34020  
8 CCR 34055  
Ed. Code 45060-45061.5  
Ed. Code 45100.5  
Ed. Code 45104.5  
Ed. Code 45108.5  
Ed. Code 45108.7  
Ed. Code 45168  
Ed. Code 45220-45320  
Gov. Code 3540-3549.3  
Gov. Code 3540.1  
Gov. Code 3543.4  
Gov. Code 3545  
Gov. Code 3550-3552  
Gov. Code 3555-3559  
Gov. Code 53260-53264  
Gov. Code 6205-6210  
Gov. Code 6254.3  
Gov. Code 6503.5

#### Description

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

#### Federal References

8 CFR 33015-33490

#### Description

Recognition of exclusive representative; proceedings

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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/6TJInbikoQhGwsWiH4ztXQ==>

Website

California Public Employment Relations Board -  
<https://simbli.eboardsolutions.com/SU/7Fndg3k626KwCb511TsIsH2ew==>

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/DMWJqGR6N1ooUHxvBdPXeA==>

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 -  
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0460

Local Control And Accountability Plan -  
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0460

Local Control And Accountability Plan -  
<https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==>

1340

Access To District Records -  
<https://simbli.eboardsolutions.com/SU/VQd4HhnlB5p7OgDHHuo3HA==>

1340

Access To District Records -  
<https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==>

1431

Waivers -  
<https://simbli.eboardsolutions.com/SU/9BuYxzx0B2l1rRqC5ldthA==>

4113

Assignment -  
<https://simbli.eboardsolutions.com/SU/BhXFYknfTIZslshK6TX1rcPNw==>

4113

Assignment -  
<https://simbli.eboardsolutions.com/SU/BHJLvt0UWwpluspJ20aXCvNAPQ==>

4115

Evaluation/Supervision -  
<https://simbli.eboardsolutions.com/SU/0LslshHZpTrWZBP3dcuo7QfxQ==>

4115

Evaluation/Supervision -  
<https://simbli.eboardsolutions.com/SU/YXWh5JjIsC6OnRyofY3IEw==>

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4119.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/BQiemT6yH0cplusdbQ4LuGjZA==>

4119.25 Political Activities Of Employees -  
<https://simbli.eboardsolutions.com/SU/FkeMlvswqn3LcJdguB9slshA==>

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/bUKajshf9NH4tnZl9utk7g==>

4161.2 Personal Leaves -  
<https://simbli.eboardsolutions.com/SU/v9O8SWMTRbBXq5cQBbylqw==>

4219.1 Civil And Legal Rights -  
<https://simbli.eboardsolutions.com/SU/qlnWNg2LFslshDzTCLslsh592A==>

4219.25 Political Activities Of Employees -  
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4219.25 Political Activities Of Employees -  
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4241 Collective Bargaining Agreement -  
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4243 Negotiations/Consultation -  
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4251 Employee Compensation -  
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4254 Health And Welfare Benefits -  
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4254 Health And Welfare Benefits -  
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4261.2 Personal Leaves -  
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4300 Administrative And Supervisory Personnel -  
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4300 Administrative And Supervisory Personnel -  
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4301 Administrative Staff Organization -  
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4312.1 Contracts -  
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4315 Evaluation/Supervision -  
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4319.1	Civil And Legal Rights - <a href="https://simbli.eboardsolutions.com/SU/XWa15T9slshJVgMRW95yTHU1Q==">https://simbli.eboardsolutions.com/SU/XWa15T9slshJVgMRW95yTHU1Q==</a>
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4351	Employee Compensation - <a href="https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==">https://simbli.eboardsolutions.com/SU/SdFbv9zvpQGp42fubiKLVw==</a>
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9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQOfduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQOfduR9FE4g==</a>
9321	Closed Session - <a href="https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==">https://simbli.eboardsolutions.com/SU/6Okac2n002IH7QiOyqvirA==</a>
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**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:

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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.

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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

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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

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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

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**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 - <a href="https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24lj43Z8w==">https://simbli.eboardsolutions.com/SU/aVyer3HNWheL24lj43Z8w==</a>
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

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### 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/6TJlnbikoQhGwsWiH4ztXQ==>  
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/w58tUBBtGnaFOrMUPlwN0g==>

### Cross References

4121  
4112.9  
4112.9-E(1)  
4112.9-E PDF(1)  
4121  
4121  
4140  
4141.6  
4141.6  
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### Description

Superintendent's Contract - <https://simbli.eboardsolutions.com/SU/fcslsh1ixO2EdCt2pz2NabYqA==>  
Employee Notifications - <https://simbli.eboardsolutions.com/SU/lzQl6slshnrcwplusn8LplusKslshvswf==>  
Employee Notifications - <https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zplswjzg==>  
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/Lldu39d9d8NTNOW1shZPZA==>  
Leaves - <https://simbli.eboardsolutions.com/SU/EEXMgObslshqslshiKqtJUX7vSg==>  
Leaves - <https://simbli.eboardsolutions.com/SU/1j87G85jaeaw3FbkyNX3fw==>

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4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
4161.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==">https://simbli.eboardsolutions.com/SU/R0ajur05Y0LDobGfDwFO7A==</a>
4212.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==">https://simbli.eboardsolutions.com/SU/mHaW9EbnocL5Pl6rr10dMw==</a>
4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLtPjM0w==</a>
4240	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==">https://simbli.eboardsolutions.com/SU/ltAmE15lyRuHVP4lWhd7tg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==">https://simbli.eboardsolutions.com/SU/8ghHTloULRupEkUU4HVtdg==</a>
4241.6	Concerted Action/Work Stoppage - <a href="https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9lQ==">https://simbli.eboardsolutions.com/SU/W5ExJpluss6yHnOMElqyCk9lQ==</a>
4243	Negotiations/Consultation - <a href="https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==">https://simbli.eboardsolutions.com/SU/rymBvD6zXpDjldwBE51jfg==</a>
4258	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnrvwnkPcdw==">https://simbli.eboardsolutions.com/SU/xTiwiJO7zP5pnrvwnkPcdw==</a>
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4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNlTTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNlTTqbmA==</a>
4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==">https://simbli.eboardsolutions.com/SU/cns2ox14MXb4vglRlm84fA==</a>
4261.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/ZlGWMkFdeFkQBbHk7qzxig==">https://simbli.eboardsolutions.com/SU/ZlGWMkFdeFkQBbHk7qzxig==</a>
4261.8	Family Care And Medical Leave - <a href="https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshEg==">https://simbli.eboardsolutions.com/SU/nBLZm9LwJchMFF3Yja1slshEg==</a>
4312.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==">https://simbli.eboardsolutions.com/SU/CqOQlb4XnDnSONdYu7jm2Q==</a>
4312.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==">https://simbli.eboardsolutions.com/SU/2aBW0q0A11slsh9KahGJYr69A==</a>
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4340	Bargaining Units - <a href="https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==">https://simbli.eboardsolutions.com/SU/mzWyX5FBWwfpZYYNlaKORA==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==">https://simbli.eboardsolutions.com/SU/E2T0LpogkDECpTZGFtslshdMQ==</a>
4358	Employee Security - <a href="https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==">https://simbli.eboardsolutions.com/SU/C6fpUPMjplus2yAmh3nNvvObg==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/37Bp9HjmWAWCtBvKgLwUOQ==">https://simbli.eboardsolutions.com/SU/37Bp9HjmWAWCtBvKgLwUOQ==</a>
4361	Leaves - <a href="https://simbli.eboardsolutions.com/SU/m93RQnCPlYUeeeBo4hULBQ==">https://simbli.eboardsolutions.com/SU/m93RQnCPlYUeeeBo4hULBQ==</a>
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5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==">https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==</a>

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Child Care And Development -  
<https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plug==>

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**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)

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## 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

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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

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#### Cross References

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Superintendent's Contract -  
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4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==">https://simbli.eboardsolutions.com/SU/Xb5ZIMMO0i2aRzB52IGiCg==</a>
4030	Nondiscrimination In Employment - <a href="https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==">https://simbli.eboardsolutions.com/SU/vx943OTXDnJq9P0DHTilzg==</a>
4032	Reasonable Accommodation - <a href="https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==">https://simbli.eboardsolutions.com/SU/DZueYkplusHoNslsh53DXislshi6mLw==</a>
4112.9	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==">https://simbli.eboardsolutions.com/SU/lzOl6slshnrcwplusn8LplusKslshvsfw==</a>
4112.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==">https://simbli.eboardsolutions.com/SU/nxsNzGlnhGviEz28zpluswjzg==</a>
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4116	Probationary/Permanent Status - <a href="https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyryzQxvw==">https://simbli.eboardsolutions.com/SU/Gy4GUysBDt2XEfyryzQxvw==</a>
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4161.1	Personal Illness/Injury Leave - <a href="https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==">https://simbli.eboardsolutions.com/SU/wmtZ2H4oDc4HcrB9slshN1zcw==</a>
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4212.9-E(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==">https://simbli.eboardsolutions.com/SU/dRLduplushlLitByDflajDntw==</a>
4212.9-E PDF(1)	Employee Notifications - <a href="https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLTPjM0w==">https://simbli.eboardsolutions.com/SU/U68jKBBwiztUHegLTPjM0w==</a>
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4261	Leaves - <a href="https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==">https://simbli.eboardsolutions.com/SU/NEon3h0paWxSWoNITTqbmA==</a>
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**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.

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(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.

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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.

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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

5 CCR 1600-1651  
5 CCR 4600-4670  
Ed. Code 220  
Ed. Code 47612  
Ed. Code 48200  
Ed. Code 48204.4  
Ed. Code 48412  
Ed. Code 48430  
Ed. Code 48645.5  
Ed. Code 48980  
Ed. Code 49701  
Ed. Code 51224  
Ed. Code 51224.5  
Ed. Code 51225.1

#### Description

Graduation of students from grade 12 and credit toward graduation  
Uniform complaint procedures  
Prohibition of discrimination  
Average daily attendance in charter school  
Compulsory attendance  
Parents/guardians departing California against their will  
Certificate of proficiency  
Continuation education schools and classes  
Former juvenile court school students; enrollment  
Parent/Guardian notifications  
Provisions of the Interstate Compact on Educational Opportunities for Military Children  
Skills and knowledge required for adult life  
Algebra in course of study for grades 7-12  
Exemption from district graduation requirements

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	California Department of Education, High School - <a href="https://simbli.eboardsolutions.com/SU/Rvp3XpluswycjdbcyIbqTXF1Q==">https://simbli.eboardsolutions.com/SU/Rvp3XpluswycjdbcyIbqTXF1Q==</a>
Website	University of California, List of Approved A-G Courses - <a href="https://simbli.eboardsolutions.com/SU/aSMzVkGKefSjbrpGzGqxDw==">https://simbli.eboardsolutions.com/SU/aSMzVkGKefSjbrpGzGqxDw==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

#### Cross References

0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==">https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==</a>
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0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>

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1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAKslsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAKslsh8XdmxbODX9gY2A==</a>
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5113.2	Work Permits - <a href="https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==">https://simbli.eboardsolutions.com/SU/LlplusEgDe8hDVsmSplusf0Minfw==</a>
5113.2	Work Permits - <a href="https://simbli.eboardsolutions.com/SU/2En6wnlSEgfSfkSp6tsW2Q==">https://simbli.eboardsolutions.com/SU/2En6wnlSEgfSfkSp6tsW2Q==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==">https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZql8kuKplusA==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==">https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==</a>
5127	Graduation Ceremonies And Activities - <a href="https://simbli.eboardsolutions.com/SU/PGESmCUoVPc4YcFO2MISg==">https://simbli.eboardsolutions.com/SU/PGESmCUoVPc4YcFO2MISg==</a>
5145.6	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/SuvNxTtlUJOXfalLui15AA==">https://simbli.eboardsolutions.com/SU/SuvNxTtlUJOXfalLui15AA==</a>
5145.6-E(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==">https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==</a>
5145.6-E PDF(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/ninmwTREiIJOBJ9P7Qi7g==">https://simbli.eboardsolutions.com/SU/ninmwTREiIJOBJ9P7Qi7g==</a>
5147	Dropout Prevention - <a href="https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==">https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==</a>
6000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==">https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zHSg==</a>
6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==">https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/LdZqO8PdBM96KAMTQJmplusqA==">https://simbli.eboardsolutions.com/SU/LdZqO8PdBM96KAMTQJmplusqA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9GZaplusvrvw==">https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9GZaplusvrvw==</a>
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - <a href="https://simbli.eboardsolutions.com/SU/i3XomFLE8x7UPBmv115kHA==">https://simbli.eboardsolutions.com/SU/i3XomFLE8x7UPBmv115kHA==</a>
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - <a href="https://simbli.eboardsolutions.com/SU/FfslshxXARVXlf43WIWI13HCQ==">https://simbli.eboardsolutions.com/SU/FfslshxXARVXlf43WIWI13HCQ==</a>
6142.2	World Language Instruction - <a href="https://simbli.eboardsolutions.com/SU/yOy1VgTRDryIKVQwgWHZvA==">https://simbli.eboardsolutions.com/SU/yOy1VgTRDryIKVQwgWHZvA==</a>
6142.2	World Language Instruction - <a href="https://simbli.eboardsolutions.com/SU/fxDFGiI2LvYgTU2QAxp6Lg==">https://simbli.eboardsolutions.com/SU/fxDFGiI2LvYgTU2QAxp6Lg==</a>
6142.3	Civic Education - <a href="https://simbli.eboardsolutions.com/SU/dUY6XHltTK05slshFds18pGtA==">https://simbli.eboardsolutions.com/SU/dUY6XHltTK05slshFds18pGtA==</a>
6142.4	Service Learning/Community Service Classes - <a href="https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DWOf2PmUw==">https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DWOf2PmUw==</a>
6142.6	Visual And Performing Arts Education - <a href="https://simbli.eboardsolutions.com/SU/MOSLG87SSN4D9X6Sr9slshHqQ==">https://simbli.eboardsolutions.com/SU/MOSLG87SSN4D9X6Sr9slshHqQ==</a>

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6142.7	Physical Education And Activity - <a href="https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==">https://simbli.eboardsolutions.com/SU/ZmslshJWRRGIhooOnK0kYcl2w==</a>
6142.7	Physical Education And Activity - <a href="https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==">https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==</a>
6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==">https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==</a>
6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/tbwOImdoEz4Q1Vjo8rYnIQ==">https://simbli.eboardsolutions.com/SU/tbwOImdoEz4Q1Vjo8rYnIQ==</a>
6142.91	Reading/Language Arts Instruction - <a href="https://simbli.eboardsolutions.com/SU/u0kwqXzoJslsh1zkA4neAslsh7eA==">https://simbli.eboardsolutions.com/SU/u0kwqXzoJslsh1zkA4neAslsh7eA==</a>
6142.92	Mathematics Instruction - <a href="https://simbli.eboardsolutions.com/SU/fTMquy4qCooO0o5vPBAlDA==">https://simbli.eboardsolutions.com/SU/fTMquy4qCooO0o5vPBAlDA==</a>
6142.93	Science Instruction - <a href="https://simbli.eboardsolutions.com/SU/TQhfkNbplussplusEXRgAIBNXiw==">https://simbli.eboardsolutions.com/SU/TQhfkNbplussplusEXRgAIBNXiw==</a>
6142.94	History-Social Science Instruction - <a href="https://simbli.eboardsolutions.com/SU/8w9q6Nck71lbTU94Rqcm7g==">https://simbli.eboardsolutions.com/SU/8w9q6Nck71lbTU94Rqcm7g==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/zjXVIX5MALILJUsETQnbQA==">https://simbli.eboardsolutions.com/SU/zjXVIX5MALILJUsETQnbQA==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==">https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==">https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==">https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/WjEHslshd0qO8WHJq9f7Kfh5Q==">https://simbli.eboardsolutions.com/SU/WjEHslshd0qO8WHJq9f7Kfh5Q==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==">https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==</a>
6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==">https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==</a>
6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==">https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelYR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelYR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==">https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==</a>
6146.3	Reciprocity Of Academic Credit - <a href="https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshisshopFL8Q==">https://simbli.eboardsolutions.com/SU/rdkgdyDZ2KnybslshisshopFL8Q==</a>
6146.3	Reciprocity Of Academic Credit - <a href="https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==">https://simbli.eboardsolutions.com/SU/xXvuy2muzpaSVMrtWFWi3A==</a>
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - <a href="https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTJFqvve54w==">https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTJFqvve54w==</a>

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6151	Class Size - <a href="https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WifyVz868A==">https://simbli.eboardsolutions.com/SU/vYW5X18plusvzq1WifyVz868A==</a>
6152.1	Placement In Mathematics Courses - <a href="https://simbli.eboardsolutions.com/SU/jt6w4Ob9I5Fk3Zp4xZKDSQ==">https://simbli.eboardsolutions.com/SU/jt6w4Ob9I5Fk3Zp4xZKDSQ==</a>
6152.1	Placement In Mathematics Courses - <a href="https://simbli.eboardsolutions.com/SU/oGGI7Kob81Is1e8P3iauiA==">https://simbli.eboardsolutions.com/SU/oGGI7Kob81Is1e8P3iauiA==</a>
6155	Challenging Courses By Examination - <a href="https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqiA==">https://simbli.eboardsolutions.com/SU/WKvDn9DmbM84AOA22GrqiA==</a>
6155	Challenging Courses By Examination - <a href="https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==">https://simbli.eboardsolutions.com/SU/AAbO61Z3xNUB8xUeVXBslshYg==</a>
6158	Independent Study - <a href="https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==">https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==</a>
6158	Independent Study - <a href="https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==">https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWQYqgA==">https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWQYqgA==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==">https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==</a>
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - <a href="https://simbli.eboardsolutions.com/SU/ueu2nVzHCIsqslsh5Oplus8osvjg==">https://simbli.eboardsolutions.com/SU/ueu2nVzHCIsqslsh5Oplus8osvjg==</a>
6159.2	Nonpublic, Nonsectarian School And Agency Services For Special Education - <a href="https://simbli.eboardsolutions.com/SU/8tj64EbOrAQ4NXwDCLkGbQ==">https://simbli.eboardsolutions.com/SU/8tj64EbOrAQ4NXwDCLkGbQ==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/OknJQUnz7QqgbiwOmRU3OQ==">https://simbli.eboardsolutions.com/SU/OknJQUnz7QqgbiwOmRU3OQ==</a>
6161.1	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/pXBclMA6WABwBGWhEnQY9Q==">https://simbli.eboardsolutions.com/SU/pXBclMA6WABwBGWhEnQY9Q==</a>
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/KOmKplus4MCEnkImnalh2cspg==">https://simbli.eboardsolutions.com/SU/KOmKplus4MCEnkImnalh2cspg==</a>
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - <a href="https://simbli.eboardsolutions.com/SU/b1DLaQxc8rcgTsfoplusV89zg==">https://simbli.eboardsolutions.com/SU/b1DLaQxc8rcgTsfoplusV89zg==</a>
6162.5	Student Assessment - <a href="https://simbli.eboardsolutions.com/SU/qVgmyqQy60o6cg8rziBgg==">https://simbli.eboardsolutions.com/SU/qVgmyqQy60o6cg8rziBgg==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==">https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsishP8S2Cj02w==">https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsishP8S2Cj02w==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==">https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHJDJcdnxYRslshQ3g==">https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHJDJcdnxYRslshQ3g==</a>
6173-E PDF(1)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==">https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==</a>
6173-E PDF(2)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/D7vRHZXSslshBORslshzL7t0wPg==">https://simbli.eboardsolutions.com/SU/D7vRHZXSslshBORslshzL7t0wPg==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==">https://simbli.eboardsolutions.com/SU/hwZQyTeELA0lr5Chn5ZTpg==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLUk6s8KjNw==">https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLUk6s8KjNw==</a>
6173.2	Education Of Children Of Military Families - <a href="https://simbli.eboardsolutions.com/SU/tHYVlIplusEhWEo0I2RHBmG==">https://simbli.eboardsolutions.com/SU/tHYVlIplusEhWEo0I2RHBmG==</a>

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6173.2	Education Of Children Of Military Families - <a href="https://simbli.eboardsolutions.com/SU/p9islshftfiWNXpwsKgKC41A==">https://simbli.eboardsolutions.com/SU/p9islshftfiWNXpwsKgKC41A==</a>
6173.3	Education For Juvenile Court School Students - <a href="https://simbli.eboardsolutions.com/SU/EKUslsh7IXVvCb4Sf5TG3Y9mQ==">https://simbli.eboardsolutions.com/SU/EKUslsh7IXVvCb4Sf5TG3Y9mQ==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/roLeyXGgp5I03jclK5slshG1A==">https://simbli.eboardsolutions.com/SU/roLeyXGgp5I03jclK5slshG1A==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==">https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==</a>
6176	Weekend/Saturday Classes - <a href="https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyarQf4w==">https://simbli.eboardsolutions.com/SU/gT9qUoycslshwAqFdyarQf4w==</a>
6177	Summer Learning Programs - <a href="https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B05IJJGzw==">https://simbli.eboardsolutions.com/SU/ezqaj3pDRTAplus4B05IJJGzw==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==">https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWso7diDlxw9g==">https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWso7diDlxw9g==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==">https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wkf1xeEMuA==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/wLcNslshgmplumQlg9zvVgyCIMQ==">https://simbli.eboardsolutions.com/SU/wLcNslshgmplumQlg9zvVgyCIMQ==</a>
6178.2	Regional Occupational Center/Program - <a href="https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==">https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==</a>
6179	Supplemental Instruction - <a href="https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==">https://simbli.eboardsolutions.com/SU/zi8aQRQAs4kCAuX1Bu2Mslshg==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==">https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==">https://simbli.eboardsolutions.com/SU/2T3JOQ3ETpzAugVUUKL2plusA==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==">https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==">https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkOFFduR9FE4g==</a>

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**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 )

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## 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

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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

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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

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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

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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

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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

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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

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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.

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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

5 CCR 11700-11705

Ed. Code 17289

Ed. Code 41020

Ed. Code 41422

Ed. Code 42238

Ed. Code 42238.05

Ed. Code 44865

Ed. Code 46100

Ed. Code 46200-46208

Ed. Code 46300-46307.1

Ed. Code 46390-46393

Ed. Code 46600

Ed. Code 47612-47612.1

Ed. Code 47612.5

Ed. Code 48204

Ed. Code 48206.3

Ed. Code 48220

Ed. Code 48340

Ed. Code 48915

Ed. Code 48916.1

### Description

Independent study

Exemption for facilities

Requirement for annual audit

Emergency conditions and apportionments

Revenue limits

Local control funding formula; average daily attendance

Qualifications for independent study teachers

Length of school day

Incentives for longer instructional day and year

Methods of computing average daily attendance

Emergency average daily attendance

Interdistrict attendance computation

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Residency requirements for school attendance

Home or hospital instruction; students with temporary disabilities

Classes of children exempted

Improvement of pupil attendance

Expulsion; particular circumstances

Educational program requirements for expelled students

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Ed. Code 48917  
 Ed. Code 49011  
 Ed. Code 51225.3  
 Ed. Code 51744-51749.6  
 Ed. Code 52060  
 Ed. Code 52523  
 Ed. Code 56026  
 Ed. Code 58500-58512  
 Fam. Code 6550-6552

#### Federal References

20 USC 6301  
 20 USC 6311

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 Conducting Individualized Determinations of Need  
 2021-22 AA & IT Independent Study FAQs  
 California Digital Learning Integration and Standards Guidance, May 2021  
 Elements of Exemplary Independent Study  
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Nondiscrimination In District Programs And Activities -  
<https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==>  
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3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==">https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==</a>
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3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/crBR8IcYslshslshcadfBT09vKtA==">https://simbli.eboardsolutions.com/SU/crBR8IcYslshslshcadfBT09vKtA==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==">https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPFolgJHPZg==</a>
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5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==">https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==</a>
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6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/zJXVIX5MAJLJUeETQnbQA==">https://simbli.eboardsolutions.com/SU/zJXVIX5MAJLJUeETQnbQA==</a>
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6152	Class Assignment - <a href="https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==">https://simbli.eboardsolutions.com/SU/hATymLA9CJuKTcyX9SvmOg==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==">https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==</a>
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6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==">https://simbli.eboardsolutions.com/SU/wTI8EVvu0t0484S390RuGw==</a>

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6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==">https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==</a>
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6183	Home And Hospital Instruction - <a href="https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==">https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==</a>
6185	Community Day School - <a href="https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==">https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==</a>
6185	Community Day School - <a href="https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==">https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==">https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==</a>
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**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

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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 uncoded 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.

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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.

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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  
 Ed. Code 41422  
 Ed. Code 42238  
 Ed. Code 42238.05  
 Ed. Code 44865  
 Ed. Code 46100  
 Ed. Code 46200-46208  
 Ed. Code 46300-46307.1  
 Ed. Code 46390-46393  
 Ed. Code 46600  
 Ed. Code 47612-47612.1  
 Ed. Code 47612.5  
 Ed. Code 48204  
 Ed. Code 48206.3  
 Ed. Code 48220  
 Ed. Code 48340  
 Ed. Code 48915  
 Ed. Code 48916.1  
 Ed. Code 48917  
 Ed. Code 49011  
 Ed. Code 51225.3  
 Ed. Code 51744-51749.6  
 Ed. Code 52060  
 Ed. Code 52523  
 Ed. Code 56026  
 Ed. Code 58500-58512  
 Fam. Code 6550-6552

#### **Federal References**

20 USC 6301  
 20 USC 6311

#### **Management Resources References**

California Department of Education  
 Publication  
 California Department of Education  
 Publication  
 California Department of Education  
 Publication  
 California Department of Education  
 Publication  
 California Department of Education  
 Publication

Requirement for annual audit  
 Emergency conditions and apportionments  
 Revenue limits  
 Local control funding formula; average daily attendance  
 Qualifications for independent study teachers  
 Length of school day  
 Incentives for longer instructional day and year  
 Methods of computing average daily attendance  
 Emergency average daily attendance  
 Interdistrict attendance computation  
 Charter School Operation  
 Charter schools operations; general requirements  
 Residency requirements for school attendance  
 Home or hospital instruction; students with temporary disabilities  
 Classes of children exempted  
 Improvement of pupil attendance  
 Expulsion; particular circumstances  
 Educational program requirements for expelled students  
 Suspension of expulsion order  
 Student fees  
 High school graduation requirements  
 Independent study  
 Local Control and Accountability Plan  
 Adult education as supplement to high school curriculum; criteria  
 Individual with exceptional needs  
 Alternative schools and programs of choice  
 Caregivers

#### **Description**

Highly qualified teachers  
 State plan

#### **Description**

Legal Requirements for Independent Study  
 Conducting Individualized Determinations of Need  
 2021-22 AA & IT Independent Study FAQs  
 California Digital Learning Integration and Standards Guidance, May 2021  
 Elements of Exemplary Independent Study

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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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==</a>
Website	California Consortium for Independent Study - <a href="https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfQR6gplusRQ==">https://simbli.eboardsolutions.com/SU/6EJ9KJRdGGplusAXslshfQR6gplusRQ==</a>
Website	California Department of Education, Independent Study - <a href="https://simbli.eboardsolutions.com/SU/aXxHIGI4L70pDRS6JnI2Jw==">https://simbli.eboardsolutions.com/SU/aXxHIGI4L70pDRS6JnI2Jw==</a>
Website	Education Audit Appeals Panel - <a href="https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==">https://simbli.eboardsolutions.com/SU/6VovW08Qz3ek2v0oFNslshtMg==</a>

## Cross References

## Description

0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/tplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/tplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/yqvHtAwxzf9smLplumfcaQ==">https://simbli.eboardsolutions.com/SU/yqvHtAwxzf9smLplumfcaQ==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==">https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5K12ziA==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==">https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xd3xUEXA==">https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xd3xUEXA==</a>
3516.5	Emergency Schedules - <a href="https://simbli.eboardsolutions.com/SU/oJZXkPi3iNtmezHLSHHBBw==">https://simbli.eboardsolutions.com/SU/oJZXkPi3iNtmezHLSHHBBw==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/crBR8lcYslshslshcadfBT09vKtA==">https://simbli.eboardsolutions.com/SU/crBR8lcYslshslshcadfBT09vKtA==</a>
3580	District Records - <a href="https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPEolgJHPZg==">https://simbli.eboardsolutions.com/SU/WEk7cYywcvcslshPEolgJHPZg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==">https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjQFaFlw==">https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjQFaFlw==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==">https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==</a>
5111.1	District Residency - <a href="https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==">https://simbli.eboardsolutions.com/SU/IAL6e5elvtWslKJ80r5IYg==</a>
5111.1	District Residency - <a href="https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==">https://simbli.eboardsolutions.com/SU/VlddiUvh6orgSjaY4wvt7Q==</a>
5112.3	Student Leave Of Absence - <a href="https://simbli.eboardsolutions.com/SU/4CJBHdTEOnz9dq3mSJ5qzw==">https://simbli.eboardsolutions.com/SU/4CJBHdTEOnz9dq3mSJ5qzw==</a>
5112.3	Student Leave Of Absence - <a href="https://simbli.eboardsolutions.com/SU/kD97qlfelg37ShzuEcmlplusBw==">https://simbli.eboardsolutions.com/SU/kD97qlfelg37ShzuEcmlplusBw==</a>
5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/OvU6bIFneYGxiu8HTsCalQ==">https://simbli.eboardsolutions.com/SU/OvU6bIFneYGxiu8HTsCalQ==</a>

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5113	Absences And Excuses - <a href="https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==">https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==">https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFVOE9Vntg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==">https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==">https://simbli.eboardsolutions.com/SU/nEN5IPbgmplusPXhUNTnXJeuw==</a>
5121	Grades/Evaluation Of Student Achievement - <a href="https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==">https://simbli.eboardsolutions.com/SU/IKtdZAf0mXslsh9Lp2JINpFAA==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==">https://simbli.eboardsolutions.com/SU/Jw4xw3nB7slshn7ptplustrREa5A==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==">https://simbli.eboardsolutions.com/SU/uVgslshw0u1SygQrOqplus8VkhAQ==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZqI8kuKplusA==">https://simbli.eboardsolutions.com/SU/TplusoH8S98CsCgplusZqI8kuKplusA==</a>
5126	Awards For Achievement - <a href="https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==">https://simbli.eboardsolutions.com/SU/3vcVxdI9QTMjNZKGMBvvug==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==">https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==">https://simbli.eboardsolutions.com/SU/DdkxP6lo0oUT7dmBE1eK0g==</a>
5141.31	Immunizations - <a href="https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==">https://simbli.eboardsolutions.com/SU/Whslsh3slshDAkvapt4AefESXBvQ==</a>
5141.31	Immunizations - <a href="https://simbli.eboardsolutions.com/SU/xIV11kQJ5plusf7slshAnBIYJPA==">https://simbli.eboardsolutions.com/SU/xIV11kQJ5plusf7slshAnBIYJPA==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==">https://simbli.eboardsolutions.com/SU/blwduf15hDWiR2tslshXyakiQ==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==">https://simbli.eboardsolutions.com/SU/sj4cx1G3eeeECICNif6t2w==</a>
5146	Married/Pregnant/Parenting Students - <a href="https://simbli.eboardsolutions.com/SU/EI88u7DdXyv0auDplus9WuI3g==">https://simbli.eboardsolutions.com/SU/EI88u7DdXyv0auDplus9WuI3g==</a>
5147	Dropout Prevention - <a href="https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==">https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==</a>
6000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zhSg==">https://simbli.eboardsolutions.com/SU/qvPcqbSrShZR2J5Nk8zhSg==</a>
6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==">https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==</a>
6111	School Calendar - <a href="https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rsishEslshKMosishZA==">https://simbli.eboardsolutions.com/SU/CplusGxnVZdQjf3rsishEslshKMosishZA==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==">https://simbli.eboardsolutions.com/SU/05atqxQBa68mIO84XP5vNw==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==">https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==</a>
6142.4	Service Learning/Community Service Classes - <a href="https://simbli.eboardsolutions.com/SU/IVnd1RsishrYn5G7DW0f2PmUw==">https://simbli.eboardsolutions.com/SU/IVnd1RsishrYn5G7DW0f2PmUw==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==">https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/bUCwdpAjX5ggLMG3GsxDA==">https://simbli.eboardsolutions.com/SU/bUCwdpAjX5ggLMG3GsxDA==</a>

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6146.1	High School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==">https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqACPGdelVR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqACPGdelVR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==</a>
6152	Class Assignment - <a href="https://simbli.eboardsolutions.com/SU/hATymLA9CJuKtCyX9SvmQg==">https://simbli.eboardsolutions.com/SU/hATymLA9CJuKtCyX9SvmQg==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==">https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPuiLWOYqgA==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==">https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==</a>
6162.5	Student Assessment - <a href="https://simbli.eboardsolutions.com/SU/qVgmtYqQy60o6cg8rziBgg==">https://simbli.eboardsolutions.com/SU/qVgmtYqQy60o6cg8rziBgg==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==">https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/oZbkKwYtcuQmkplusF9H7PNfQ==">https://simbli.eboardsolutions.com/SU/oZbkKwYtcuQmkplusF9H7PNfQ==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==">https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==">https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==">https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/G268l3K6kr8EEbTmbKV2A==">https://simbli.eboardsolutions.com/SU/G268l3K6kr8EEbTmbKV2A==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmsIshFiQ==">https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmsIshFiQ==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/2T3lOQ3ETpzAugVUUKL2plusA==">https://simbli.eboardsolutions.com/SU/2T3lOQ3ETpzAugVUUKL2plusA==</a>
6183	Home And Hospital Instruction - <a href="https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==">https://simbli.eboardsolutions.com/SU/splusGW8slshHtohMvCGn2HgfrFA==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==</a>
6185	Community Day School - <a href="https://simbli.eboardsolutions.com/SU/m8dwsIshTAyjm6k58NpbUxTJA==">https://simbli.eboardsolutions.com/SU/m8dwsIshTAyjm6k58NpbUxTJA==</a>
6185	Community Day School - <a href="https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==">https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==">https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/plus0byJoejC0EIMYEaP8Bpgg==">https://simbli.eboardsolutions.com/SU/plus0byJoejC0EIMYEaP8Bpgg==</a>

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**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

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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

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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

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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

5 CCR 4930-4931  
5 CCR 80049-80049.1  
5 CCR 80632-80632.5  
Ed. Code 221.5  
Ed. Code 44266  
Ed. Code 48431  
Ed. Code 49600-49604  
Ed. Code 51250-51251  
Ed. Code 51513  
Fam. Code 6920-6930  
Gov. Code 6254  
H&S Code 124260  
Lab. Code 3074.2  
Pen. Code 11166-11170  
W&I Code 5850-5883

#### Description

Counseling  
Pupil Personnel Services credential  
Preparation programs for Pupil Personnel Services  
Equal opportunity  
Pupil Personnel Services credential  
Establishing and maintaining high school guidance and placement program  
Educational counseling  
Assistance to military dependents  
Personal beliefs  
Consent by minor for medical treatment  
Exemption for personnel records if invasion of personal privacy  
Mental health services; consent by minors age 12 and older  
College and career fairs; notice to apprenticeship programs  
Reporting known or suspected cases of child abuse  
Mental Health Services Act

#### Federal References

10 USC 503  
20 USC 1232g  
20 USC 7908  
34 CFR 99.1-99.67

#### Description

Military recruiter access to directory information  
Family Educational Rights and Privacy Act (FERPA) of 1974  
Armed forces recruiter access to students and student recruiting information  
Family Educational Rights and Privacy

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**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 - <a href="https://simbli.eboardsolutions.com/SU/uE7fWtCmCWa0Bbr6POZVvA==">https://simbli.eboardsolutions.com/SU/uE7fWtCmCWa0Bbr6POZVvA==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	California Association of School Counselors - <a href="https://simbli.eboardsolutions.com/SU/BoLICJgsmR0Iz2b9uY9pZw==">https://simbli.eboardsolutions.com/SU/BoLICJgsmR0Iz2b9uY9pZw==</a>
Website	American School Counselor Association - <a href="https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==">https://simbli.eboardsolutions.com/SU/R1ggYp24tGNHpluszwmaMrEvg==</a>
Website	U.S. Department of Education, access to military recruiters - <a href="https://simbli.eboardsolutions.com/SU/bm4rELAxz0ncS8mvxauVUg==">https://simbli.eboardsolutions.com/SU/bm4rELAxz0ncS8mvxauVUg==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==</a>
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>

**Cross References****Description**

0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/ZGZbz17ATfHJBPQ13Jplus7cw==">https://simbli.eboardsolutions.com/SU/ZGZbz17ATfHJBPQ13Jplus7cw==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==">https://simbli.eboardsolutions.com/SU/FQOZDcYoBErqzRucs3xsMA==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==">https://simbli.eboardsolutions.com/SU/BxazplusxgNXNREplusOnkNIFqtQ==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==">https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlGcLPJYKR9w==">https://simbli.eboardsolutions.com/SU/N8bGSx8fXaIlGcLPJYKR9w==</a>
0470	COVID-19 Mitigation Plan - <a href="https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==">https://simbli.eboardsolutions.com/SU/xBPc1Aeplus3wePETE5KI2ziA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbtZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbtZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksIsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
1313	Civility - <a href="https://simbli.eboardsolutions.com/SU/cERNNranyLpsIshslshpqrqyRyAw==">https://simbli.eboardsolutions.com/SU/cERNNranyLpsIshslshpqrqyRyAw==</a>
1400	Relations Between Other Governmental Agencies And The Schools - <a href="https://simbli.eboardsolutions.com/SU/vJHizKctUNwIjEfGnHx4CA==">https://simbli.eboardsolutions.com/SU/vJHizKctUNwIjEfGnHx4CA==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==">https://simbli.eboardsolutions.com/SU/cslshKzg34plus8Yflugiz2YLUrw==</a>
3515	Campus Security - <a href="https://simbli.eboardsolutions.com/SU/ROslshkemJzfdIlLrBjXYxC1w==">https://simbli.eboardsolutions.com/SU/ROslshkemJzfdIlLrBjXYxC1w==</a>

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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/IVIK9slshAIIKtBcZcF8v5agg==>

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/IYMIYYPYXEiEMhaRz6slshWJQ==>

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

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/nplusdgJwaQ4NhaAQWxYfv3GKA==>

5113 Absences And Excuses -  
<https://simbli.eboardsolutions.com/SU/QvU6bIFneYGxiu8HTsCalQ==>

5113 Absences And Excuses -  
<https://simbli.eboardsolutions.com/SU/b06pfpfibDK5qKNeA2321g==>

5113.1 Chronic Absence And Truancy -  
<https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vntg==>

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/uVgslshw0u1SgYqRqplus8VkhAQ==>

5125.1 Release Of Directory Information -  
<https://simbli.eboardsolutions.com/SU/YtwXJdSlshkuKNsmoetBdSzQ==>

5125.1 Release Of Directory Information -  
<https://simbli.eboardsolutions.com/SU/A0OpFFSMUslshDODL2a9HlbtQ==>

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/MwcrPaiVN3oQ15PEbAoQPA==>

5131.6 Alcohol And Other Drugs -  
<https://simbli.eboardsolutions.com/SU/WDkn56oiRIRHg1DfVsZyxA==>

5131.6 Alcohol And Other Drugs -  
<https://simbli.eboardsolutions.com/SU/7eplus9F20al43StxVcQXvoig==>

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5136	Gangs - <a href="https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqlPaQ==">https://simbli.eboardsolutions.com/SU/TelQJmrs5CMY7ZslshwzqlPaQ==</a>
5136	Gangs - <a href="https://simbli.eboardsolutions.com/SU/J2plusQxKcdQp6eCW0ucjhxKw==">https://simbli.eboardsolutions.com/SU/J2plusQxKcdQp6eCW0ucjhxKw==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==">https://simbli.eboardsolutions.com/SU/Ufqvo2274QHBLOiceWSBplusA==</a>
5138	Conflict Resolution/Peer Mediation - <a href="https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==">https://simbli.eboardsolutions.com/SU/vYnT58jV6Sc5PaNDJcoXJg==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==">https://simbli.eboardsolutions.com/SU/slshSHDzymYLN8DwMplltWdsg==</a>
5141.22	Infectious Diseases - <a href="https://simbli.eboardsolutions.com/SU/DdkxP6loQoUT7dmBE1eK0g==">https://simbli.eboardsolutions.com/SU/DdkxP6loQoUT7dmBE1eK0g==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==">https://simbli.eboardsolutions.com/SU/bJAiplus4YTzTcWu0VMUkkdiQ==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==">https://simbli.eboardsolutions.com/SU/KHJ4Ryf9WsiRVpcslsheV7VGg==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/WM38treDjLEIDeRTkCMSCA==">https://simbli.eboardsolutions.com/SU/WM38treDjLEIDeRTkCMSCA==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/eAe18Pkbslshqyslsh5aoMoF7ksQ==">https://simbli.eboardsolutions.com/SU/eAe18Pkbslshqyslsh5aoMoF7ksQ==</a>
5141.6	School Health Services - <a href="https://simbli.eboardsolutions.com/SU/KxDBTjskEdiUR2Gj3BFRPw==">https://simbli.eboardsolutions.com/SU/KxDBTjskEdiUR2Gj3BFRPw==</a>
5141.6	School Health Services - <a href="https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==">https://simbli.eboardsolutions.com/SU/0vHj1CrosCLEPopplusArHjplusg==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/q5NswZUhPTbrdfxL6JpCuQ==">https://simbli.eboardsolutions.com/SU/q5NswZUhPTbrdfxL6JpCuQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==">https://simbli.eboardsolutions.com/SU/uCGNmZB4i0EHAGGnMD6jCg==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==">https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==">https://simbli.eboardsolutions.com/SU/be0JrP9vB8YKcEI8kaV3gg==</a>
5145.6	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==">https://simbli.eboardsolutions.com/SU/SuvNxTtlUJ0XfalLui15AA==</a>
5145.6-E(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsJyFn1Yfqfw==">https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsJyFn1Yfqfw==</a>
5145.6-E PDF(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==">https://simbli.eboardsolutions.com/SU/ninmwtTREilJ0BJ9P7Qi7g==</a>
5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==">https://simbli.eboardsolutions.com/SU/zXaTq9y3Bf8f0rt8zzpcyw==</a>
5147	Dropout Prevention - <a href="https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==">https://simbli.eboardsolutions.com/SU/nRgafK7e25QslshoATTaX0j5w==</a>
6120	Response To Instruction And Intervention - <a href="https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==">https://simbli.eboardsolutions.com/SU/YopBQ2VrklsMGNYQPvMr6w==</a>
6141.4	International Baccalaureate Program - <a href="https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==">https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==</a>
6141.5	Advanced Placement - <a href="https://simbli.eboardsolutions.com/SU/VKU0plusZC9i4xPUaA9uN30nA==">https://simbli.eboardsolutions.com/SU/VKU0plusZC9i4xPUaA9uN30nA==</a>
6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==">https://simbli.eboardsolutions.com/SU/26yNHUwMmAXRvJ1b3jpT2g==</a>

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6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/tbwOImdoEz4Q1Vjo8rYnlQ==">https://simbli.eboardsolutions.com/SU/tbwOImdoEz4Q1Vjo8rYnlQ==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/zJXVIX5MAUJLUsETQnbQA==">https://simbli.eboardsolutions.com/SU/zJXVIX5MAUJLUsETQnbQA==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==">https://simbli.eboardsolutions.com/SU/bUCwdpAJjX5ggLMG3GsxDA==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfAw==">https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==">https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==">https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==</a>
6171	Title I Programs - <a href="https://simbli.eboardsolutions.com/SU/p4BMACj6yEUh6jSJgfA2gA==">https://simbli.eboardsolutions.com/SU/p4BMACj6yEUh6jSJgfA2gA==</a>
6171	Title I Programs - <a href="https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==">https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/wTl8EVvuOt0484S390RuGw==">https://simbli.eboardsolutions.com/SU/wTl8EVvuOt0484S390RuGw==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKVa2A==">https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKVa2A==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==">https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g==">https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDJcdnxYRslshO3g==</a>
6173-E PDF(1)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==">https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==</a>
6173-E PDF(2)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/D7vRHxZXslshBORslshzL7t0wPgW==">https://simbli.eboardsolutions.com/SU/D7vRHxZXslshBORslshzL7t0wPgW==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/hwZQyTeELAQlr5Chn5ZTpg==">https://simbli.eboardsolutions.com/SU/hwZQyTeELAQlr5Chn5ZTpg==</a>
6173.1	Education For Foster Youth - <a href="https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw==">https://simbli.eboardsolutions.com/SU/r9gaWHVtSEiLuKk6s8KjNw==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==">https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==">https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1fl7g==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==">https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==">https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==</a>
6178.2	Regional Occupational Center/Program - <a href="https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==">https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==</a>

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6184 Continuation Education -  
<https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==>

6185 Community Day School -  
<https://simbli.eboardsolutions.com/SU/m8dwsishTAyjm6k58NpbUxTJA==>

6185 Community Day School -  
<https://simbli.eboardsolutions.com/SU/4lhiHc7rwaMmB800XOZt3A==>

6200 Adult Education -  
<https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==>

6200 Adult Education -  
<https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==>

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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.

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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.

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**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.

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**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 - <a href="https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==">https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==</a>
Ed. Code 17078.70-17078.72	Career technical education facilities - <a href="https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==">https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==</a>
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

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Ed. Code 53010-53016	California Career Pathways Trust
Ed. Code 53020-53025	Golden State Pathways Program
Ed. Code 53070-53076.4	The California Career Technical Education Incentive Grant Program
Ed. Code 53086	California Career Resource Network
Ed. Code 54690-54699.1	California Partnership Academies
Ed. Code 54750-54760	California Partnership Academies; green technology and goods movement occupations
Ed. Code 56363	Related services for students with disabilities; specially designed career technical education
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/uBgrPnE4ZTLKuykA3QndJw==>  
 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==>

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Website	California Workforce Development Board - <a href="https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdsishDSuA==">https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdsishDSuA==</a>
Website	Association for Career and Technical Education - <a href="https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdoHEEKqSaFQ==">https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdoHEEKqSaFQ==</a>
Website	California Association of Regional Occupational Centers and Programs - <a href="https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqll7xnA==">https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqll7xnA==</a>
Website	California Career Resource Network - <a href="https://simbli.eboardsolutions.com/SU/aiMKCOWlC2eTMogaBMcl9g==">https://simbli.eboardsolutions.com/SU/aiMKCOWlC2eTMogaBMcl9g==</a>
Website	California Department of Industrial Relations - <a href="https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==">https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==</a>
Website	University of California, A-G Course Submissions - <a href="https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==">https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNiqRUulsaq7efc7aH4Q==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>

#### Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPQ13Jplus7cw==">https://simbli.eboardsolutions.com/SU/ZGZhz17ATfHJBPQ13Jplus7cw==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/yqvHtAwxfp9smLplusmfcAQ==">https://simbli.eboardsolutions.com/SU/yqvHtAwxfp9smLplusmfcAQ==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/6aKw9KbSgexJfcQrYo5eQ==">https://simbli.eboardsolutions.com/SU/6aKw9KbSgexJfcQrYo5eQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/c3TEEZEFLVMDh05wl0TCQ==">https://simbli.eboardsolutions.com/SU/c3TEEZEFLVMDh05wl0TCQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmbA==">https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmbA==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==">https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdl7DbzBBg==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/N8bGSx8fXallGcLPJYKR9w==">https://simbli.eboardsolutions.com/SU/N8bGSx8fXallGcLPJYKR9w==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCQuqWB54wfA==">https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCQuqWB54wfA==</a>
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1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
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1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
1700	Relations Between Private Industry And The Schools - <a href="https://simbli.eboardsolutions.com/SU/ZCumr5xglcyZr9nTlplusn4LA==">https://simbli.eboardsolutions.com/SU/ZCumr5xglcyZr9nTlplusn4LA==</a>

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3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO711TFHYg==">https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO711TFHYg==</a>
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3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/cB5LbBZLYT7A9NIP1rkFQQ==">https://simbli.eboardsolutions.com/SU/cB5LbBZLYT7A9NIP1rkFQQ==</a>
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3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/htmpluswvNopsrGRvHnZmL57Q==">https://simbli.eboardsolutions.com/SU/htmpluswvNopsrGRvHnZmL57Q==</a>
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4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/IYMIYPYXEiEMhaRz6slshWJQ==">https://simbli.eboardsolutions.com/SU/IYMIYPYXEiEMhaRz6slshWJQ==</a>
4331	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==">https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnllsFw7ag==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vntg==">https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vntg==</a>
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5145.6	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/SuvNxTtUJ0XfalLui15AA==">https://simbli.eboardsolutions.com/SU/SuvNxTtUJ0XfalLui15AA==</a>
5145.6-E(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==">https://simbli.eboardsolutions.com/SU/RdNSntUjWlcsishJyFn1Yfqfw==</a>
5145.6-E PDF(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/ninmwtTREilJOBj9P7Qi7g==">https://simbli.eboardsolutions.com/SU/ninmwtTREilJOBj9P7Qi7g==</a>
5148.2	Before/After School Programs - <a href="https://simbli.eboardsolutions.com/SU/AOMrlhQISNE6AkENQ3qyBg==">https://simbli.eboardsolutions.com/SU/AOMrlhQISNE6AkENQ3qyBg==</a>
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6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==">https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEslshLEej7PvA==</a>
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6141.4	International Baccalaureate Program - <a href="https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==">https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==</a>
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6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==">https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==">https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==</a>
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6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelVR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelVR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCxi9Yug==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==">https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==</a>
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6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==">https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==</a>
6162.5	Student Assessment - <a href="https://simbli.eboardsolutions.com/SU/qVgmtYqQy60o6cg8rziBgg==">https://simbli.eboardsolutions.com/SU/qVgmtYqQy60o6cg8rziBgg==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==">https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKH040A==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==">https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBr==">https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBr==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/XrnsishQIPaFW9wMoMV2IEKpg==">https://simbli.eboardsolutions.com/SU/XrnsishQIPaFW9wMoMV2IEKpg==</a>
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6171	Title I Programs - <a href="https://simbli.eboardsolutions.com/SU/p4BMACj6yFUH6jSJgfA2gA==">https://simbli.eboardsolutions.com/SU/p4BMACj6yFUH6jSJgfA2gA==</a>
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6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==">https://simbli.eboardsolutions.com/SU/wTl8EVvu0t0484S390RuGw==</a>

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6172 Gifted And Talented Student Program -  
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6172.1 Concurrent Enrollment In College Classes -  
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6172.1 Concurrent Enrollment In College Classes -  
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6173 Education For Homeless Children -  
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6173 Education For Homeless Children -  
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6175 Migrant Education Program -  
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6176 Weekend/Saturday Classes -  
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6178.1 Work-Based Learning -  
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6178.2 Regional Occupational Center/Program -  
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6181 Alternative Schools/Programs Of Choice -  
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6184 Continuation Education -  
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6184 Continuation Education -  
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6190 Evaluation Of The Instructional Program -  
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6200 Adult Education -  
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7110 Facilities Master Plan -  
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**Regulation 6178: Career Technical Education**

Status: ADOPTED

Original Adopted Date: 03/01/2008 | Last Revised Date: 09/01/2022 | Last Reviewed Date: 09/01/2022

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

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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

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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

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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

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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 - <a href="https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==">https://simbli.eboardsolutions.com/SU/afkpApjV7imvOjs09n6O4A==</a>
Ed. Code 17078.70-17078.72	Career technical education facilities - <a href="https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==">https://simbli.eboardsolutions.com/SU/SGsBKsvontcoplusWOY91ua3Q==</a>
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 - <a href="https://simbli.eboardsolutions.com/SU/uBgrPnE4ZTLKuykA3OndJw==">https://simbli.eboardsolutions.com/SU/uBgrPnE4ZTLKuykA3OndJw==</a>
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	<b>Description</b> 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

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Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==</a>
Website	U.S. Department of Education, Office of Vocational and Adult Education - <a href="https://simbli.eboardsolutions.com/SU/KuFNXqUtDnSwVVyc3V8IWQ==">https://simbli.eboardsolutions.com/SU/KuFNXqUtDnSwVVyc3V8IWQ==</a>
Website	U.S. Department of Labor, Bureau of Labor Statistics - <a href="https://simbli.eboardsolutions.com/SU/RHwiAxFplus6wwheRAXtEJRbg==">https://simbli.eboardsolutions.com/SU/RHwiAxFplus6wwheRAXtEJRbg==</a>
Website	California Department of Education, Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GbU76nS5slsh50DkSZTrslshUuTg==">https://simbli.eboardsolutions.com/SU/GbU76nS5slsh50DkSZTrslshUuTg==</a>
Website	California Department of Employment Development - <a href="https://simbli.eboardsolutions.com/SU/hmvLawVOABCNaBPAnCxKxw==">https://simbli.eboardsolutions.com/SU/hmvLawVOABCNaBPAnCxKxw==</a>
Website	California Workforce Development Board - <a href="https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdslshDSuA==">https://simbli.eboardsolutions.com/SU/ROXhmuEJ5IZ69DPxdslshDSuA==</a>
Website	Association for Career and Technical Education - <a href="https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdoheEekqSaFQ==">https://simbli.eboardsolutions.com/SU/LiN69hrw6tCdoheEekqSaFQ==</a>
Website	California Association of Regional Occupational Centers and Programs - <a href="https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqll7xnA==">https://simbli.eboardsolutions.com/SU/2ZDdJmPMSffihBrqll7xnA==</a>
Website	California Career Resource Network - <a href="https://simbli.eboardsolutions.com/SU/aiMKC0wlC2eTMogaBMcl9g==">https://simbli.eboardsolutions.com/SU/aiMKC0wlC2eTMogaBMcl9g==</a>
Website	California Department of Industrial Relations - <a href="https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==">https://simbli.eboardsolutions.com/SU/Lh5JVplusYhNJm5slshcgG07zsOQ==</a>
Website	University of California, A-G Course Submissions - <a href="https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==">https://simbli.eboardsolutions.com/SU/dl7biMSP81bUfpxMPCFyyA==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efc7aH4Q==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3Qxkk2FPsDsQBnMIENxGg==</a>

## Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBEBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBEBO9dQ==</a>
0415	Equity - <a href="https://simbli.eboardsolutions.com/SU/ZGZhz17ATfhJBPQ13Jplus7cw==">https://simbli.eboardsolutions.com/SU/ZGZhz17ATfhJBPQ13Jplus7cw==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/yqvHtAwzffp9smLplumfcaQ==">https://simbli.eboardsolutions.com/SU/yqvHtAwzffp9smLplumfcaQ==</a>
0420.4	Charter School Authorization - <a href="https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==">https://simbli.eboardsolutions.com/SU/6aKw9KbSgexgJfcQrYo5eQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDhQ5wIOTCQ==">https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDhQ5wIOTCQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==">https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmhA==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==">https://simbli.eboardsolutions.com/SU/fwFbmaz5QUQOAdI7DbzBBg==</a>
0460	Local Control And Accountability Plan - <a href="https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==">https://simbli.eboardsolutions.com/SU/N8bGSx8fXalLgcLPJYKR9w==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfA==">https://simbli.eboardsolutions.com/SU/7wRcaQ9giBXCouqWB54wfA==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/WXKjQn8KOplusMplZpTd3ujpQ==">https://simbli.eboardsolutions.com/SU/WXKjQn8KOplusMplZpTd3ujpQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>

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1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAksh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
1700	Relations Between Private Industry And The Schools - <a href="https://simbli.eboardsolutions.com/SU/ZCumr5xglcyZr9nTiplusn4LA==">https://simbli.eboardsolutions.com/SU/ZCumr5xglcyZr9nTiplusn4LA==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7I1TFHYg==">https://simbli.eboardsolutions.com/SU/OVH379RjC0a1aO7I1TFHYg==</a>
3230	Federal Grant Funds - <a href="https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==">https://simbli.eboardsolutions.com/SU/pHfysr2KHcXTIDFyCkoN8w==</a>
3440	Inventories - <a href="https://simbli.eboardsolutions.com/SU/cB5LbBZLYT7A2NIP1rkFQQ==">https://simbli.eboardsolutions.com/SU/cB5LbBZLYT7A2NIP1rkFQQ==</a>
3512	Equipment - <a href="https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==">https://simbli.eboardsolutions.com/SU/ezslshZHMnYpluscHnfpO2vztUslshg==</a>
3512-E(1)	Equipment - <a href="https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==">https://simbli.eboardsolutions.com/SU/htpluswvNopsrGRvHnZmL57Q==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bgeOadj3gg==">https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bgeOadj3gg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFfw==">https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFfw==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/YMIfYPYXEiEMhaRz6slshWJQ==">https://simbli.eboardsolutions.com/SU/YMIfYPYXEiEMhaRz6slshWJQ==</a>
4331	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnlsFw7ag==">https://simbli.eboardsolutions.com/SU/3BIIBFE9slshf2AlnlsFw7ag==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vmtg==">https://simbli.eboardsolutions.com/SU/Hw5C1aEnixhuUFV0E9Vmtg==</a>
5113.1	Chronic Absence And Truancy - <a href="https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==">https://simbli.eboardsolutions.com/SU/D2Llg7JcgumhuWnRLo2bAw==</a>
5113.2	Work Permits - <a href="https://simbli.eboardsolutions.com/SU/UplusEgDe8hDVsmSplusf0Minfw==">https://simbli.eboardsolutions.com/SU/UplusEgDe8hDVsmSplusf0Minfw==</a>
5113.2	Work Permits - <a href="https://simbli.eboardsolutions.com/SU/2En6wnlSEgf5fkSp6tsW2Q==">https://simbli.eboardsolutions.com/SU/2En6wnlSEgf5fkSp6tsW2Q==</a>
5145.6	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/SuvNxTtUJ0Xfallui15AA==">https://simbli.eboardsolutions.com/SU/SuvNxTtUJ0Xfallui15AA==</a>
5145.6-E(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==">https://simbli.eboardsolutions.com/SU/RdNSntUjWlclshJyFn1Yfqfw==</a>
5145.6-E PDF(1)	Parent/guardian Notifications - <a href="https://simbli.eboardsolutions.com/SU/ninmwTtREiU0BJ9P7Qi7g==">https://simbli.eboardsolutions.com/SU/ninmwTtREiU0BJ9P7Qi7g==</a>
5148.2	Before/After School Programs - <a href="https://simbli.eboardsolutions.com/SU/AOMrlh0ISNE6AkENQ3qyBg==">https://simbli.eboardsolutions.com/SU/AOMrlh0ISNE6AkENQ3qyBg==</a>
5148.2	Before/After School Programs - <a href="https://simbli.eboardsolutions.com/SU/4jwYuGplust2xplusjh7Z1YX0JFQ==">https://simbli.eboardsolutions.com/SU/4jwYuGplust2xplusjh7Z1YX0JFQ==</a>
6011	Academic Standards - <a href="https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEsishLEej7PvA==">https://simbli.eboardsolutions.com/SU/Tplusl1ybplusF7QGkEsishLEej7PvA==</a>
6020	Parent Involvement - <a href="https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==">https://simbli.eboardsolutions.com/SU/8BBILRHFPN4Ze3IDgijtlg==</a>
6020	Parent Involvement - <a href="https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==">https://simbli.eboardsolutions.com/SU/Q0ib1gK3KHGsHNlpTjql8A==</a>

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6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/05atqxQB68mIO84XP5vNw==">https://simbli.eboardsolutions.com/SU/05atqxQB68mIO84XP5vNw==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==">https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==">https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==">https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==</a>
6141.4	International Baccalaureate Program - <a href="https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==">https://simbli.eboardsolutions.com/SU/3HplusWL7OI2YANMyMpgmHLBQ==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==">https://simbli.eboardsolutions.com/SU/zJXVIX5MALJLUeETQnbQA==</a>
6143	Courses Of Study - <a href="https://simbli.eboardsolutions.com/SU/bUCwdpAJX5ggLMG3GsxDA==">https://simbli.eboardsolutions.com/SU/bUCwdpAJX5ggLMG3GsxDA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==">https://simbli.eboardsolutions.com/SU/TkiGKzMnAo9vQwZU56wqVw==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==">https://simbli.eboardsolutions.com/SU/Fr5qETtTn48ak1ITDSX9jg==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==">https://simbli.eboardsolutions.com/SU/0qp5CDCPz8M9qc7jKUhzag==</a>
6145.5	Student Organizations And Equal Access - <a href="https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==">https://simbli.eboardsolutions.com/SU/tkCu7yQSUwQ7chWkDREDlg==</a>
6146.1	High School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/DFboHnnuMRfkxHf3cnoYg==">https://simbli.eboardsolutions.com/SU/DFboHnnuMRfkxHf3cnoYg==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelVR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdelVR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/clTMplus79VZe95z6A99iDmRQ==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==">https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWQYqgA==">https://simbli.eboardsolutions.com/SU/nRtcKBP3haQcPUiLWQYqgA==</a>
6159	Individualized Education Program - <a href="https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==">https://simbli.eboardsolutions.com/SU/IBIWJmfAP00e3xnVhUQNYg==</a>
6162.5	Student Assessment - <a href="https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==">https://simbli.eboardsolutions.com/SU/qVgntyqQy60o6cg8rziBgg==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKHo40A==">https://simbli.eboardsolutions.com/SU/NdqSEfNslshhwaBKplusUkKHo40A==</a>
6162.51	State Academic Achievement Tests - <a href="https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==">https://simbli.eboardsolutions.com/SU/oZbkKwYtcu0mkplusF9H7PNfQ==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrq==">https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrq==</a>
6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==">https://simbli.eboardsolutions.com/SU/XrnsIshQIPaFW9wMoMV2IEKpg==</a>

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6164.5	Student Success Teams - <a href="https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==">https://simbli.eboardsolutions.com/SU/UkLsYeA03YN6xcWenpZIVQ==</a>
6171	Title I Programs - <a href="https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==">https://simbli.eboardsolutions.com/SU/p4BMACj6yFUh6jSJgfA2gA==</a>
6171	Title I Programs - <a href="https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==">https://simbli.eboardsolutions.com/SU/Dbh9ejHszdfmzm1699QEQQ==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/wTi8EVvu0t0484S390RuGw==">https://simbli.eboardsolutions.com/SU/wTi8EVvu0t0484S390RuGw==</a>
6172	Gifted And Talented Student Program - <a href="https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2aA==">https://simbli.eboardsolutions.com/SU/G268l3K6kr8FEbTmbKV2aA==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==">https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSFL0plusslsh4RvQw==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/cBBPHW6bnozswslshP8S2Cj02w==">https://simbli.eboardsolutions.com/SU/cBBPHW6bnozswslshP8S2Cj02w==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==">https://simbli.eboardsolutions.com/SU/zsjkyhfKAplusFQR21mnjd3hw==</a>
6173	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDlcdnxYRslshQ3g==">https://simbli.eboardsolutions.com/SU/vD4ZxTplusVHjDlcdnxYRslshQ3g==</a>
6173-E PDF(1)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==">https://simbli.eboardsolutions.com/SU/WeRWxD20iReBezfn3aKzplusQ==</a>
6173-E PDF(2)	Education For Homeless Children - <a href="https://simbli.eboardsolutions.com/SU/D7vRHxZXslshBQRslshzL7t0wPgww==">https://simbli.eboardsolutions.com/SU/D7vRHxZXslshBQRslshzL7t0wPgww==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==">https://simbli.eboardsolutions.com/SU/roLeyXGgp5l03jclK5slshG1A==</a>
6175	Migrant Education Program - <a href="https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1f7g==">https://simbli.eboardsolutions.com/SU/eEi167SF33ZkvAHsw1f7g==</a>
6176	Weekend/Saturday Classes - <a href="https://simbli.eboardsolutions.com/SU/gT9qUoycsishwAqFdyAraQF4w==">https://simbli.eboardsolutions.com/SU/gT9qUoycsishwAqFdyAraQF4w==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wfk1xeEMuA==">https://simbli.eboardsolutions.com/SU/avQYbt3iAAr7wfk1xeEMuA==</a>
6178.1	Work-Based Learning - <a href="https://simbli.eboardsolutions.com/SU/wLcNslshgmplumQlg9zvVgyCIMQ==">https://simbli.eboardsolutions.com/SU/wLcNslshgmplumQlg9zvVgyCIMQ==</a>
6178.2	Regional Occupational Center/Program - <a href="https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==">https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==">https://simbli.eboardsolutions.com/SU/Sa5uR0ng884KxBYpfmslshFiQ==</a>
6181	Alternative Schools/Programs Of Choice - <a href="https://simbli.eboardsolutions.com/SU/2T3JQQ3ETpzAugVUUKL2plusA==">https://simbli.eboardsolutions.com/SU/2T3JQQ3ETpzAugVUUKL2plusA==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbpplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RwQ==</a>
6190	Evaluation Of The Instructional Program - <a href="https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==">https://simbli.eboardsolutions.com/SU/okRYD9py3tHKzr20XkWFZg==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==">https://simbli.eboardsolutions.com/SU/GBFlqzmwZQwt8slshR7plusdHYQQ==</a>
6200	Adult Education - <a href="https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==">https://simbli.eboardsolutions.com/SU/plus0bvJoejC0EIMYEaP8Bpgg==</a>
7110	Facilities Master Plan - <a href="https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UQw==">https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UQw==</a>

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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.

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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

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Ed. Code 10200	CalWORKs instructional and job training plan - <a href="https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==">https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==</a>
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 - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	California Department of Education, Adult Education - <a href="https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVMMplusw==">https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVMMplusw==</a>
Website	California Department of Industrial Relations, Division of Apprenticeship Standards - <a href="https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==">https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==</a>

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Website	California Council for Adult Education - <a href="https://simbli.eboardsolutions.com/SU/EspaOcpFsAr9xZVyslshqkZg==">https://simbli.eboardsolutions.com/SU/EspaOcpFsAr9xZVyslshqkZg==</a>
Website	Comprehensive Adult Student Assessment Systems - <a href="https://simbli.eboardsolutions.com/SU/i4duplusM9plusQMt75lXpka2l3A==">https://simbli.eboardsolutions.com/SU/i4duplusM9plusQMt75lXpka2l3A==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNiQRUulsaq7efc7aH4Q==">https://simbli.eboardsolutions.com/SU/cxWNiQRUulsaq7efc7aH4Q==</a>

#### Cross References

#### Description

0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wIOTCQ==">https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wIOTCQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmHA==">https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJhSWUIB3QBmHA==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOFJdr6rBfMAplusbMplusg==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==">https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUEXA==">https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUEXA==</a>
3541	Transportation Routes And Services - <a href="https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==">https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==">https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==">https://simbli.eboardsolutions.com/SU/tUslshewyAvQpluseaA5VjOFaFlw==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5FhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVdh2oTivuLm8gA==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==">https://simbli.eboardsolutions.com/SU/IYMIIfYPYXEiEMhaRz6slshWJQ==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==">https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==">https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/Q5atqxQBa68mIO84XP5vNw==">https://simbli.eboardsolutions.com/SU/Q5atqxQBa68mIO84XP5vNw==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==">https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==</a>
6142.4	Service Learning/Community Service Classes - <a href="https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DWQf2PmUw==">https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DWQf2PmUw==</a>

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6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==">https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==</a>
6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==">https://simbli.eboardsolutions.com/SU/rgvimV2OWiwdzB6z19krmQ==</a>
6146.1	High School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==">https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==">https://simbli.eboardsolutions.com/SU/kon9InuDv3XhBqmyROfdAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169e0Ld8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169e0Ld8U7bc6aQ==</a>
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - <a href="https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTJFqvve54w==">https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTJFqvve54w==</a>
6146.5	Elementary/Middle School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/fAstBYp2l2lWTHslshGrKpnSQ==">https://simbli.eboardsolutions.com/SU/fAstBYp2l2lWTHslshGrKpnSQ==</a>
6158	Independent Study - <a href="https://simbli.eboardsolutions.com/SU/Rqslsh4Ed5HLPwBBONpjsQGTg==">https://simbli.eboardsolutions.com/SU/Rqslsh4Ed5HLPwBBONpjsQGTg==</a>
6158	Independent Study - <a href="https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==">https://simbli.eboardsolutions.com/SU/2tRYy222MXLXnvV9vrMP4w==</a>
6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshEFzf9HBrg==">https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshEFzf9HBrg==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSElQplusslsh4RvQw==">https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSElQplusslsh4RvQw==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsllshP8S2Cj02w==">https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsllshP8S2Cj02w==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==">https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWso7diDlxw9g==">https://simbli.eboardsolutions.com/SU/S4qxTuQvqZWso7diDlxw9g==</a>
6178.2	Regional Occupational Center/Program - <a href="https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==">https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==">https://simbli.eboardsolutions.com/SU/cdslsh69Uc64Uvliuo5C1RewQ==</a>
9140	Board Representatives - <a href="https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==">https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==</a>

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**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

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52523)

## 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.

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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 - <a href="https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==">https://simbli.eboardsolutions.com/SU/Th2G6fo4kyRGpd4slshqm4Wsg==</a>
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

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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

Description	
California Department of Education Publication	Adult Education Block Grant (AEBG) Measures of Effectiveness
California Department of Education Publication	Pupil Fees, Deposits, and Other Charges, Fiscal Management Advisory 20-01, July 23, 2020
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	California Department of Education, Adult Education - <a href="https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVMMplusw==">https://simbli.eboardsolutions.com/SU/gAzTIB92QDIgv66uCVMMplusw==</a>
Website	California Department of Industrial Relations, Division of Apprenticeship Standards - <a href="https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==">https://simbli.eboardsolutions.com/SU/bflwmgcl9A2X6bB1bsnz4g==</a>
Website	California Council for Adult Education - <a href="https://simbli.eboardsolutions.com/SU/Espa0cpFsAr9xZVysIshqkxZg==">https://simbli.eboardsolutions.com/SU/Espa0cpFsAr9xZVysIshqkxZg==</a>
Website	Comprehensive Adult Student Assessment Systems - <a href="https://simbli.eboardsolutions.com/SU/t4duplusM9plusOMt75IXpka2I3A==">https://simbli.eboardsolutions.com/SU/t4duplusM9plusOMt75IXpka2I3A==</a>
Website	Commission on Teacher Credentialing - <a href="https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efcZaH4Q==">https://simbli.eboardsolutions.com/SU/cxWNIqRUulsaq7efcZaH4Q==</a>

#### Cross References

Description	
0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==">https://simbli.eboardsolutions.com/SU/rplusplusaBQeAE4bUpZiBFBO9dQ==</a>
0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==">https://simbli.eboardsolutions.com/SU/c3TEEZEDFLVMDh05wI0TCQ==</a>

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0440	District Technology Plan - <a href="https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJh5WUIB3QBmhA==">https://simbli.eboardsolutions.com/SU/xvf0pluskxWXJh5WUIB3QBmhA==</a>
0500	Accountability - <a href="https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==">https://simbli.eboardsolutions.com/SU/PDWiti8tEaGKnqJbgZ4Q3g==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==">https://simbli.eboardsolutions.com/SU/qvzpYbttZOPNWrpR2Lc9VQ==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==">https://simbli.eboardsolutions.com/SU/U5PKMAkslsh8XdmxbODX9gY2A==</a>
1312.3-E PDF(1)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==">https://simbli.eboardsolutions.com/SU/YsqKpKY3LEBnr4vNoyMVGA==</a>
1312.3-E PDF(2)	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/sDRNJKOEJdr6rBfMAplusbMplusg==">https://simbli.eboardsolutions.com/SU/sDRNJKOEJdr6rBfMAplusbMplusg==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==">https://simbli.eboardsolutions.com/SU/46smJEFyHQTgoxbzQIEJJA==</a>
3260	Fees And Charges - <a href="https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==">https://simbli.eboardsolutions.com/SU/FeWbTzBdYgA9xdZd3xUExA==</a>
3541	Transportation Routes And Services - <a href="https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==">https://simbli.eboardsolutions.com/SU/x9xslshKxLvYXXvWxrplus6eUEMg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==">https://simbli.eboardsolutions.com/SU/NtHKleuKt9J8bge0adj3gg==</a>
4112.2	Certification - <a href="https://simbli.eboardsolutions.com/SU/tUsIsheWYAvQpluseaA5VjOFaElw==">https://simbli.eboardsolutions.com/SU/tUsIsheWYAvQpluseaA5VjOFaElw==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5EhGeA==">https://simbli.eboardsolutions.com/SU/UQVHOa8Qzs52Adry5EhGeA==</a>
4121	Temporary/Substitute Personnel - <a href="https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==">https://simbli.eboardsolutions.com/SU/Eytslsh362LVDh2oTivuLm8gA==</a>
4131	Staff Development - <a href="https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMbaRz6slshWJQ==">https://simbli.eboardsolutions.com/SU/IYMIfYPYXEiEMbaRz6slshWJQ==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==">https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==">https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/05atqxQB68mIO84XP5vNw==">https://simbli.eboardsolutions.com/SU/05atqxQB68mIO84XP5vNw==</a>
6112	School Day - <a href="https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==">https://simbli.eboardsolutions.com/SU/XRplus7M06NPTIz3YyiADAJMA==</a>
6142.4	Service Learning/Community Service Classes - <a href="https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==">https://simbli.eboardsolutions.com/SU/iVnd1RslshrYn5G7DW0f2PmUw==</a>
6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==">https://simbli.eboardsolutions.com/SU/W9EQU19GTNylrEPplusnb44uw==</a>
6145.6	International Exchange - <a href="https://simbli.eboardsolutions.com/SU/rgvimV2QWiwdzB6z19krmq==">https://simbli.eboardsolutions.com/SU/rgvimV2QWiwdzB6z19krmq==</a>
6146.1	High School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==">https://simbli.eboardsolutions.com/SU/DFboHnnnuMRfkxHf3cnoYg==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==">https://simbli.eboardsolutions.com/SU/HdoEplusqqACPGdeIVR7rpXvQ==</a>
6146.11	Alternative Credits Toward Graduation - <a href="https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==">https://simbli.eboardsolutions.com/SU/ZBPxaMqFcdplus8plus1uCXi9Yug==</a>
6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==">https://simbli.eboardsolutions.com/SU/cITMplus79VZe95z6A99iDmRQ==</a>

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6146.2	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==">https://simbli.eboardsolutions.com/SU/kon9lnuDv3XhBqmyROfdAw==</a>
6146.2-E(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==">https://simbli.eboardsolutions.com/SU/plus8xwE8lQn3xfTtyZCiphKQ==</a>
6146.2-E PDF(1)	Certificate Of Proficiency/High School Equivalency - <a href="https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==">https://simbli.eboardsolutions.com/SU/oac3slshgc169eoLd8U7bc6aQ==</a>
6146.4	Differential Graduation And Competency Standards For Students With Disabilities - <a href="https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjFqvve54w==">https://simbli.eboardsolutions.com/SU/Xs7XqDX5xXWGTjFqvve54w==</a>
6146.5	Elementary/Middle School Graduation Requirements - <a href="https://simbli.eboardsolutions.com/SU/fAstBYp2l21WTHslshGrKpnSQ==">https://simbli.eboardsolutions.com/SU/fAstBYp2l21WTHslshGrKpnSQ==</a>
6158	Independent Study - <a href="https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==">https://simbli.eboardsolutions.com/SU/Rqslsh4Fd5HLPwBBONpjsQGTg==</a>
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6164.2	Guidance/Counseling Services - <a href="https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==">https://simbli.eboardsolutions.com/SU/QEsZgzQo3AFYxslshFZf9HBrg==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSEL0plusslsh4RvQw==">https://simbli.eboardsolutions.com/SU/pluspoxHuHslshvKZSEL0plusslsh4RvQw==</a>
6172.1	Concurrent Enrollment In College Classes - <a href="https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsllshP8S2Cj02w==">https://simbli.eboardsolutions.com/SU/cBBPHW6bnozwsllshP8S2Cj02w==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==">https://simbli.eboardsolutions.com/SU/GOGblNrY33slshvwnnQn0jw8A==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==">https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==</a>
6178.2	Regional Occupational Center/Program - <a href="https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==">https://simbli.eboardsolutions.com/SU/zpluswb3uMkLaEnDGYEUtDXjQ==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==">https://simbli.eboardsolutions.com/SU/3Ht4rBWGbplusXBfB2lhozFRg==</a>
6184	Continuation Education - <a href="https://simbli.eboardsolutions.com/SU/cdsllsh69Uc64Uvliuo5C1RwQ==">https://simbli.eboardsolutions.com/SU/cdsllsh69Uc64Uvliuo5C1RwQ==</a>
9140	Board Representatives - <a href="https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==">https://simbli.eboardsolutions.com/SU/yjmslshNKV8wpR65FwNX38SKg==</a>

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**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

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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

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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 - <a href="https://simbli.eboardsolutions.com/SU/nuvesXH7Af1QqDQmGTa3wA==">https://simbli.eboardsolutions.com/SU/nuvesXH7Af1QqDQmGTa3wA==</a>
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 - <a href="https://simbli.eboardsolutions.com/SU/inBIFylkCBWVwIUslshOCxSAA==">https://simbli.eboardsolutions.com/SU/inBIFylkCBWVwIUslshOCxSAA==</a>
Ed. Code 16322	California Department of Education services - <a href="https://simbli.eboardsolutions.com/SU/Kys0QUsishslshslshRcKslsh1FUOzDoww==">https://simbli.eboardsolutions.com/SU/Kys0QUsishslshslshRcKslsh1FUOzDoww==</a>
Ed. Code 17017.5	Approval of applications for projects - <a href="https://simbli.eboardsolutions.com/SU/XplusZMetKGleiY7A8UyyjslshSQ==">https://simbli.eboardsolutions.com/SU/XplusZMetKGleiY7A8UyyjslshSQ==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==</a>
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17283.5	School building does not include residential housing
Ed. Code 17365-17374	Field Act; fitness for occupancy; liability of board members
Ed. Code 17405	Relocatable structures; lease requirements
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Ed. Code 4454.5	Approval of plans and specifications; exemption of residential housing
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 65352.2	Communicating and coordinating of school sites
Gov. Code 65995.6	School facilities needs analysis
H&S Code 53570-53574	Teacher Housing Act of 2016

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**Federal References**

28 CFR 35.101-35.190

42 USC 12101-12213

**Description**

Americans with Disabilities Act

Americans with Disabilities Act

**Management Resources References**

California Department of Education Publication

California Department of Education Publication

California Department of Education Publication

CSBA Publication

CSBA Publication

Office of Public School Construction Publication

Office of Public School Construction Publication

State Allocation Board Publication

**Description**

Educational Specifications: Linking Design of School Facilities to Educational Program, 1997

Guide for the Development of a Long-Range Facilities Plan, 1986

Schools of the Future Report, September 2011

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Facilities Master Planning, Fact Sheet, November 2007

School Facility Program Handbook, January 2019

A Brief Overview of the School Facility Program, May 2016

Public School Construction Cost Reduction Guidelines, 2000

**Website**CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>**Website**Department of General Services, Office of Public School Construction -  
<https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>**Website**California Department of Education -  
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>**Website**CSBA -  
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>**Cross References****Description**

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Vision - <https://simbli.eboardsolutions.com/SU/KljZfsIsH88rWzvlh7AJ98iog==>

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Goals For The School District -  
<https://simbli.eboardsolutions.com/SU/9j90oJApXGvO9is1lyD8g==>

0400

Comprehensive Plans -  
<https://simbli.eboardsolutions.com/SU/UllsVqPZvBpSMYEMSsSpgQ==>

0410

Nondiscrimination In District Programs And Activities -  
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Equity -  
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Local Control And Accountability Plan -  
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Local Control And Accountability Plan -  
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1220

Citizen Advisory Committees -  
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1330.1

Joint Use Agreements -  
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Access To District Records -  
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<https://simbli.eboardsolutions.com/SU/fhcZPsXmszl9QLwLKW0rSw==>

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3280 Sale Or Lease Of District-Owned Real Property -  
<https://simbli.eboardsolutions.com/SU/nl52FBYBISbzNGRG8CrhkQ==>

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<https://simbli.eboardsolutions.com/SU/dHavI4DJ4VVapIus02n5bFkg==>

3311.1 Uniform Public Construction Cost Accounting Procedures -  
<https://simbli.eboardsolutions.com/SU/O3stT7bsNcaKaqj5JxliBg==>

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3311.3 Design-Build Contracts -  
<https://simbli.eboardsolutions.com/SU/0HUU7bdoQBq6ml3pX0HeFQ==>

3470 Debt Issuance And Management -  
<https://simbli.eboardsolutions.com/SU/uaUO1PslshiQVjou0LbEBFGPg==>

3510 Green School Operations -  
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3511 Energy And Water Management -  
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3514 Environmental Safety -  
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3517 Facilities Inspection -  
<https://simbli.eboardsolutions.com/SU/FwTPOhvxRxiNJJslshEW1LnHQ==>

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<https://simbli.eboardsolutions.com/SU/pluswdSb1sGBbeWLETQ8P8ylQ==>

3550 Food Service/Child Nutrition Program -  
<https://simbli.eboardsolutions.com/SU/08qN2JplusCipazRtU7nhplus2qg==>

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<https://simbli.eboardsolutions.com/SU/Qo9sz5aT68knWPK2vi8Djg==>

5030 Student Wellness -  
<https://simbli.eboardsolutions.com/SU/CvzKilnplusCH4n5fplusjplusl8ljA==>

5141.7 Sun Safety -  
<https://simbli.eboardsolutions.com/SU/SNqxwzDtpfEKQaffd0uRRQ==>

5142 Safety -  
<https://simbli.eboardsolutions.com/SU/Tq3INak59bTplusYdOwiq8t6g==>

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5142.2 Safe Routes To School Program -  
<https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QFYP8IA==>

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<https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==>

5145.3 Nondiscrimination/Harassment -  
<https://simbli.eboardsolutions.com/SU/m3D8kgCbYf75xXSrW6Y27Q==>

5145.3 Nondiscrimination/Harassment -  
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5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==">https://simbli.eboardsolutions.com/SU/TkxFLplusg1be5kdCBI21w67A==</a>
5148	Child Care And Development - <a href="https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==">https://simbli.eboardsolutions.com/SU/Ez52VnD9tECorZJzyrh5plusg==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==">https://simbli.eboardsolutions.com/SU/RTDH1giQv3pINi6GwaFYplusw==</a>
5148.3	Preschool/Early Childhood Education - <a href="https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==">https://simbli.eboardsolutions.com/SU/NNjfbFeTHYMLXa2oyKWJTg==</a>
6117	Year-Round Schedules - <a href="https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==">https://simbli.eboardsolutions.com/SU/PGJ0eo0EaMcrbETUgSfnfg==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==">https://simbli.eboardsolutions.com/SU/LdZqO8PdBm96KAMTQJmplusqA==</a>
6141	Curriculum Development And Evaluation - <a href="https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==">https://simbli.eboardsolutions.com/SU/sJjsFNaej0ooUN9G7aplusvrw==</a>
6142.7	Physical Education And Activity - <a href="https://simbli.eboardsolutions.com/SU/ZmslsbJWRRGIhooOnK0kYcl2w==">https://simbli.eboardsolutions.com/SU/ZmslsbJWRRGIhooOnK0kYcl2w==</a>
6142.7	Physical Education And Activity - <a href="https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==">https://simbli.eboardsolutions.com/SU/7Tuzch26C948slshkHXr3eriw==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq?7Kfh5Q==">https://simbli.eboardsolutions.com/SU/WjFHslshd0qO8WHJq?7Kfh5Q==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==">https://simbli.eboardsolutions.com/SU/3b046reWKA4At9vT9uKSHg==</a>
6163.1	Library Media Centers - <a href="https://simbli.eboardsolutions.com/SU/QOUjppuymAwZwqqwJNVcdg==">https://simbli.eboardsolutions.com/SU/QOUjppuymAwZwqqwJNVcdg==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==">https://simbli.eboardsolutions.com/SU/GOGbINrY33slshvwnnQn0jw8A==</a>
6178	Career Technical Education - <a href="https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==">https://simbli.eboardsolutions.com/SU/S4qxTuQvqZW507diDlxw9g==</a>
7000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==">https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==</a>
7111	Evaluating Existing Buildings - <a href="https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslshg==">https://simbli.eboardsolutions.com/SU/goJJck1h6pJu8MfDmEnYslshg==</a>
7131	Relations With Local Agencies - <a href="https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdILsldslshg==">https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdILsldslshg==</a>
7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPj4pKRQ==">https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPj4pKRQ==</a>
7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==">https://simbli.eboardsolutions.com/SU/epluxHoNRZuWE7z0AyyFABplusQ==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslshuVYRgMCbA==">https://simbli.eboardsolutions.com/SU/sYsAsWmYHUGsslshuVYRgMCbA==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/9MaBynQs2WPkslshb54TqcMZQ==">https://simbli.eboardsolutions.com/SU/9MaBynQs2WPkslshb54TqcMZQ==</a>
7160	Charter School Facilities - <a href="https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==">https://simbli.eboardsolutions.com/SU/plussx0ytUqrR6vrkEezQAlqg==</a>
7160	Charter School Facilities - <a href="https://simbli.eboardsolutions.com/SU/WxGxcu8vQqvCeGblR3x1KA==">https://simbli.eboardsolutions.com/SU/WxGxcu8vQqvCeGblR3x1KA==</a>
7210	Facilities Financing - <a href="https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==">https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==</a>
7212	Mello-Roos Districts - <a href="https://simbli.eboardsolutions.com/SU/cl8Zy2SNDAA5mv3OCBleMCg==">https://simbli.eboardsolutions.com/SU/cl8Zy2SNDAA5mv3OCBleMCg==</a>

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7213	School Facilities Improvement Districts - <a href="https://simbli.eboardsolutions.com/SU/IC6pRujSmT8Rz8EilGqslshzA==">https://simbli.eboardsolutions.com/SU/IC6pRujSmT8Rz8EilGqslshzA==</a>
7214	General Obligation Bonds - <a href="https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==">https://simbli.eboardsolutions.com/SU/dOKQx4NVWC5LFmUtiJEplusXw==</a>
7214	General Obligation Bonds - <a href="https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZltK9cK5rUw==">https://simbli.eboardsolutions.com/SU/UHc8Hs9xMjvZltK9cK5rUw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9FE4g==</a>

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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

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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 - <a href="https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==">https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==</a>
Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building - <a href="https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJslshxw==">https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJslshxw==</a>
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998 - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHtg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHtg==</a>
Ed. Code 17210-17224	School Sites; general provisions - <a href="https://simbli.eboardsolutions.com/SU/ur7Jgl2vMeIWTCc3SCXTPA==">https://simbli.eboardsolutions.com/SU/ur7Jgl2vMeIWTCc3SCXTPA==</a>
Ed. Code 17240-17245	New Schools Relief Act - <a href="https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==">https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Qc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Qc4uUy4Rw==</a>
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLQpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLQpZgig==</a>
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

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H&S Code 44360  
Pub. Res. Code 21000-21177

Risk assessment  
California Environmental Quality Act of 1970

#### Management Resources References

Attorney General Opinion

Website

Website

Website

Website

Website

Website

#### Description

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

Governor's Office of Planning and Research -  
<https://simbli.eboardsolutions.com/SU/MvslshHMG1znUbWW5UoFHUqQ==>

Department of Toxic Substances Control -  
<https://simbli.eboardsolutions.com/SU/POmXdiUm5t3RqP4HNX5AFA==>

California Department of Education, School Site Selection and Approval Guide  
<https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSI3WgZk3EBYig==>

CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsishXk6R5akQ==>

Department of General Services, Office of Public School Construction -  
<https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

California Department of Education, School Facilities -  
<https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcEesishYA==>

#### Cross References

1113

1113

1113-E(1)

1220

1220

1330.1

3311.2

3510

3514

3514

5142.2

5142.2

7000

7110

7131

#### Description

District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/Zqs0lbYX5F0KNZRBttrSjA==>

District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/ZEoW4ZKHcT3nfqLxRTR1fw==>

District And School Web Sites -  
<https://simbli.eboardsolutions.com/SU/i5TLslsh83D1nplusoytHTlsM6ew==>

Citizen Advisory Committees -  
<https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCQuqWB54wfA==>

Citizen Advisory Committees -  
<https://simbli.eboardsolutions.com/SU/WXKjQn8KOplusMplZpTd3ujpQ==>

Joint Use Agreements -  
<https://simbli.eboardsolutions.com/SU/MAP1vZuzplus4Gqg6jSyK5KQ==>

Lease-Leaseback Contracts -  
<https://simbli.eboardsolutions.com/SU/l8QSNdaRV09ZEslshUu78sxOA==>

Green School Operations -  
<https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjilLPfUw==>

Environmental Safety -  
<https://simbli.eboardsolutions.com/SU/FREeZf6a8MvAoYS87Pslshlplusw==>

Environmental Safety -  
<https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==>

Safe Routes To School Program -  
<https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QFYp8IA==>

Safe Routes To School Program -  
<https://simbli.eboardsolutions.com/SU/J8otbF8fbNAldA2FvDrNJg==>

Concepts And Roles -  
<https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==>

Facilities Master Plan -  
<https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMYv7LT883UOW==>

Relations With Local Agencies -  
<https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2QdlLsldslshg==>

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7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPJ4pKRQ==">https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWTPJ4pKRQ==</a>
7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/eplusxHoNRZuWE7z0AyyFABplusQ==">https://simbli.eboardsolutions.com/SU/eplusxHoNRZuWE7z0AyyFABplusQ==</a>
7210	Facilities Financing - <a href="https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==">https://simbli.eboardsolutions.com/SU/MIGIRHTFRsKW9LuyR0bsDw==</a>
9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFduR9FE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFduR9FE4g==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==">https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==">https://simbli.eboardsolutions.com/SU/qTqIJZz7LWxdOXZSRTVLAA==</a>
9323.2-E PDF(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u17137p1VbXkw==">https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u17137p1VbXkw==</a>
9323.2-E PDF(2)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGbplusWWQ==">https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGbplusWWQ==</a>

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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)

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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

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 - <a href="https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==">https://simbli.eboardsolutions.com/SU/JyroSyXQrb4GnslshgVQuNx5A==</a>
Ed. Code 17024	Prior written approval of CDE for selection of school site or construction of building - <a href="https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJslshxw==">https://simbli.eboardsolutions.com/SU/plusTy35OslshxGAtnD3w6eRJslshxw==</a>
Ed. Code 17070.10-17077.10	Leroy F. Greene School Facilities Act of 1998 - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==</a>
Ed. Code 17210-17224	School Sites; general provisions - <a href="https://simbli.eboardsolutions.com/SU/ur7JgL2vMeIWTCc3SCXTPA==">https://simbli.eboardsolutions.com/SU/ur7JgL2vMeIWTCc3SCXTPA==</a>
Ed. Code 17240-17245	New Schools Relief Act - <a href="https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==">https://simbli.eboardsolutions.com/SU/IEplus2NTUuiy0VslshfQbayySsQ==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Orc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Orc4uUy4Rw==</a>
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04YslshoQjlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04YslshoQjlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azlOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azlOpZgig==</a>
Ed. Code 17280-17317	Field Act; approval of plans and supervision of construction
Ed. Code 17565-17592.5	Board duties; management and control of school property
Ed. Code 35271	Power to acquire and construct on adjacent property
Ed. Code 35275	New school planning; cooperation with recreation and park authorities
Gov. Code 53094	Authority to render zoning ordinances inapplicable
Gov. Code 65402	Acquisition or disposition of property
Gov. Code 65995-65997	Developer fees
Gov. Code 66455.9	Written notices of proposed public school site within development; investigation and report; conditions for acquisition
H&S Code 44360	Risk assessment
Pub. Res. Code 21000-21177	California Environmental Quality Act of 1970

#### Management Resources References

Attorney General Opinion	82 Ops.Cal.Atty.Gen. 130 (1999)
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Website	Governor's Office of Planning and Research - <a href="https://simbli.eboardsolutions.com/SU/MvslshHMG1znUbWW5UoFHUjQ==">https://simbli.eboardsolutions.com/SU/MvslshHMG1znUbWW5UoFHUjQ==</a>
Website	Department of Toxic Substances Control - <a href="https://simbli.eboardsolutions.com/SU/POmXdiUm5t3RqP4HNX5AFA==">https://simbli.eboardsolutions.com/SU/POmXdiUm5t3RqP4HNX5AFA==</a>
Website	California Department of Education, School Site Selection and Approval Guide <a href="https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSl3WgZk3FBYig==">https://simbli.eboardsolutions.com/SU/TToplusOF7QplusSl3WgZk3FBYig==</a>
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsishXk6R5akQ==</a>
Website	Department of General Services, Office of Public School Construction - <a href="https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==">https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==</a>
Website	California Department of Education, School Facilities - <a href="https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNCfesishYA==">https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNCfesishYA==</a>

## Cross References

1113	District And School Web Sites - <a href="https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSjA==">https://simbli.eboardsolutions.com/SU/Zqs0lbYX5FQKNZRBttrSjA==</a>
1113	District And School Web Sites - <a href="https://simbli.eboardsolutions.com/SU/ZEoW4ZKHct3nfgLxRTR1fw==">https://simbli.eboardsolutions.com/SU/ZEoW4ZKHct3nfgLxRTR1fw==</a>
1113-E(1)	District And School Web Sites - <a href="https://simbli.eboardsolutions.com/SU/i5TLslsh83D1npluoytHTIsM6ew==">https://simbli.eboardsolutions.com/SU/i5TLslsh83D1npluoytHTIsM6ew==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCQuqWB54wfA==">https://simbli.eboardsolutions.com/SU/7wRcaQ9gjBXCQuqWB54wfA==</a>
1220	Citizen Advisory Committees - <a href="https://simbli.eboardsolutions.com/SU/WXXKjOn8KOplusMplZpTd3ujpQ==">https://simbli.eboardsolutions.com/SU/WXXKjOn8KOplusMplZpTd3ujpQ==</a>
1330.1	Joint Use Agreements - <a href="https://simbli.eboardsolutions.com/SU/MAP1vZuzplus4Gqg6jSyK5KQ==">https://simbli.eboardsolutions.com/SU/MAP1vZuzplus4Gqg6jSyK5KQ==</a>
3311.2	Lease-Leaseback Contracts - <a href="https://simbli.eboardsolutions.com/SU/I8QSNdaRV09ZFslshUu78sxOA==">https://simbli.eboardsolutions.com/SU/I8QSNdaRV09ZFslshUu78sxOA==</a>
3510	Green School Operations - <a href="https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjILPFfUw==">https://simbli.eboardsolutions.com/SU/KOGKzAB8i2S6wgjILPFfUw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/FRFz6a8MvAoYS87Pslshlplusw==">https://simbli.eboardsolutions.com/SU/FRFz6a8MvAoYS87Pslshlplusw==</a>
3514	Environmental Safety - <a href="https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==">https://simbli.eboardsolutions.com/SU/BSLtfUgO3jNMI5qQwVEu7A==</a>
5142.2	Safe Routes To School Program - <a href="https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QEYP8IA==">https://simbli.eboardsolutions.com/SU/gniZuSpCW8HMRg1QEYP8IA==</a>
5142.2	Safe Routes To School Program - <a href="https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==">https://simbli.eboardsolutions.com/SU/J8otbF8fbNAIdA2FvDrNJg==</a>
7000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==">https://simbli.eboardsolutions.com/SU/N2ktQLFeCplus5t3ksz8contg==</a>
7110	Facilities Master Plan - <a href="https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMyvZLT883UOw==">https://simbli.eboardsolutions.com/SU/CTyHH1bl8WMyvZLT883UOw==</a>
7131	Relations With Local Agencies - <a href="https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLlslslshg==">https://simbli.eboardsolutions.com/SU/bQsW7PFw0DMY2OdLlslslshg==</a>
7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWtpJ4pKRQ==">https://simbli.eboardsolutions.com/SU/pluslZaMQGyzsWVjWtpJ4pKRQ==</a>
7140	Architectural And Engineering Services - <a href="https://simbli.eboardsolutions.com/SU/epluxxHoNRZuWE7z0AyyFABplusQ==">https://simbli.eboardsolutions.com/SU/epluxxHoNRZuWE7z0AyyFABplusQ==</a>
7210	Facilities Financing - <a href="https://simbli.eboardsolutions.com/SU/MIGIRHTErsKW9LuyR0bsDw==">https://simbli.eboardsolutions.com/SU/MIGIRHTErsKW9LuyR0bsDw==</a>

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9000	Role Of The Board - <a href="https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9EE4g==">https://simbli.eboardsolutions.com/SU/8aBslshkYpCeLkQFfduR9EE4g==</a>
9320	Meetings And Notices - <a href="https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfMQDjy8s6Fg==">https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfMQDjy8s6Fg==</a>
9323.2	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/qTqJJZz7LWxdOXZSRTVLAA==">https://simbli.eboardsolutions.com/SU/qTqJJZz7LWxdOXZSRTVLAA==</a>
9323.2-E PDF(1)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u1713Zp1VbXkw==">https://simbli.eboardsolutions.com/SU/Xvrd3N0N3u1713Zp1VbXkw==</a>
9323.2-E PDF(2)	Actions By The Board - <a href="https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGbplusWWQ==">https://simbli.eboardsolutions.com/SU/NjrqTVMZlQhYwjEpGbplusWWQ==</a>

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**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

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**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

Ed. Code 35143  
Ed. Code 35145  
Ed. Code 5017  
Gov. Code 54953

#### Description

Annual organizational meetings; date and notice  
Public meetings  
Term of office  
Meetings to be open and public; attendance

#### Management Resources References

Attorney General Opinion  
Attorney General Opinion  
Website

#### Description

59 Ops.Cal.Atty.Gen. 619 (1976)  
68 Ops.Cal.Atty.Gen. 65 (1985)  
CSBA District and County Office of Education Legal Services -  
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIsHxk6R5akQ==>

#### Cross References

9000  
9005  
9121  
9123  
9140  
9223  
9224  
9230  
9240

#### Description

Role Of The Board -  
<https://simbli.eboardsolutions.com/SU/8aBsIsHkYpCeLkOFduR9FE4g==>  
Governance Standards -  
<https://simbli.eboardsolutions.com/SU/b4QmvGoyuJpAPG4LxplusvkHQ==>  
President -  
<https://simbli.eboardsolutions.com/SU/9DePeFAaWu91NRZNdGXDDQ==>  
Clerk -  
<https://simbli.eboardsolutions.com/SU/qd29h4vh2vvJmtN56yncKQ==>  
Board Representatives -  
<https://simbli.eboardsolutions.com/SU/yjmsIsHnKV8wpR65FwNX38SKg==>  
Filling Vacancies -  
<https://simbli.eboardsolutions.com/SU/aCSIfcwXlXrZUQNe1sIsheSZA==>  
Oath Or Affirmation -  
<https://simbli.eboardsolutions.com/SU/tKaJJ9mLsIsH1HTqv3M3Bmlbw==>  
Orientation -  
<https://simbli.eboardsolutions.com/SU/zPgBfoLQTLvGXEFvmx3IPVA==>  
Board Training -  
<https://simbli.eboardsolutions.com/SU/xVjnBLTBhzybPslshMDYIWDZg==>

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9320

Meetings And Notices -  
<https://simbli.eboardsolutions.com/SU/kaWrYCz4FrrfM0Djy8s6Fg==>

9323

Meeting Conduct -  
<https://simbli.eboardsolutions.com/SU/RAkZ5h2NVGgOLslshw4BNKA==>

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**Policy 4154: Health And Welfare Benefits**

Status: ADOPTED

Original Adopted Date: 07/01/2009 | Last Revised Date: 10/01/2015

CSBA NOTE: The following optional policy should be revised to reflect district practice and collective bargaining agreements. Districts that contract with the Board of Administration of the Public Employees' Retirement System to obtain a health benefit plan under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the following policy and accompanying administrative regulation to reflect the requirements of that program.

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

CSBA NOTE: The district should select or revise the appropriate option below to reflect district practice regarding employees who are not in bargaining units. Districts selecting Option 2 should expand this policy or accompanying administrative regulation to specify benefits for unrepresented employees. Also see BP 4121 - Temporary/Substitute Personnel.

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

OPTION 1 ENDS HERE

OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

OPTION 2 ENDS HERE

CSBA NOTE: Family Code 300, as amended by SB 1306 (Ch. 82, Statutes of 2014), defines marriage as a personal relationship arising out of a civil contract between "two persons" rather than between a man and a woman. In addition, pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses. Therefore, to the extent that the district provides health benefit coverage to spouses of employees pursuant to state law, the same coverage must be provided to registered domestic partners. Pursuant to Health and Safety Code 1374.58, health care service plans and health insurers are required to provide registered domestic partners coverage that is equal to the coverage provided to spouses.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

CSBA NOTE: The following paragraph is for use by districts that have an average of 50 or more full-time equivalent (FTE) employees over the preceding calendar year. The federal Patient Protection and Affordable Care Act (PPACA) (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6) requires such districts to offer FTE employees and their dependents (not including spouses) the opportunity to enroll in an affordable district-sponsored group health plan or health insurance coverage that provides minimum "essential coverage," as defined in Health and Safety Code 1367.005, 26 USC 5000A, and 26 CFR 1.5000A-2 and 54.4980H-1. In addition, the district must ensure that the employee's contribution toward the cost of the coverage does not exceed 9.5 percent of his/her household income; see the accompanying administrative regulation for further information about the calculation of the employee's contribution.

For purposes of determining the applicability of this law, the district must calculate the number of FTE employees in accordance with 26 USC 4980H and 26 CFR 54.4980H-1. An FTE employee is one who works at least 30 hours per week (including actual work hours and hours for which an employee is paid or entitled to be paid due to vacation, holiday, sick leave, disability, jury duty, military leave, or other leave of absence). 26 CFR 54.4980H-3, as amended by 79 Federal Register 29, Feb. 12, 2014, clarifies that districts should not calculate employment breaks of four or more consecutive weeks, such as summer break, in a way that would significantly detract from the calculation of an employee's overall work hours. Thus, an employee who averages 30 hours or more per week for nine months and then no hours for three months would still be considered a full-time employee. In addition, in determining the

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number of FTE employees, the district must include the hours of service for all part-time employees for a calendar month divided by 120. Although part-time employees are considered in the determination as to whether the PPACA applies to the district, the district is not required under the PPACA to provide health benefits to part-time employees. See BP 4121 - Temporary/Substitute Personnel. The calculation of FTE employees is complex and the district should consult legal counsel as necessary.

Beginning with the 2016 plan year, a district with 50 or more FTE employees will be required to offer health coverage that meets the PPACA requirements to at least 95 percent of its FTE employees. If a district fails to comply with this law and any FTE employee uses a federal tax credit or cost-sharing premium reduction to purchase coverage through a health exchange (i.e., Covered California), the district must pay a financial penalty.

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

**CSBA NOTE:** Pursuant to 26 USC 105 and 26 CFR 1.105-11, self-insured medical expense reimbursement plans are prohibited from discriminating in favor of "highly compensated" individuals as to eligibility to participate or level of benefits provided under the plan. As defined in 26 USC 105(h), "highly compensated" individuals are those who are among the highest paid 25 percent of all employees, with specified exceptions. The PPACA (42 USC 300gg-16) extends this requirement to non-self-insured group health plans. Implementation of this provision with respect to group health plans has been delayed until the first plan year after the issuance of federal regulations or other guidance on how to comply with the requirement. As of October 6, 2015, this delay is still in effect. However, it is still recommended that districts begin to review their plans and practices to be prepared to comply with the expected rules.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

#### Continuation of Coverage

**CSBA NOTE:** Education Code 7000-7005 provide for continued health and dental care benefits for retired certificated employees and their spouses/domestic partners. In addition, for districts with 20 or more employees, continued health and disability benefits for former classified and certificated employees and their qualified beneficiaries are addressed in the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10). For districts with 2-19 employees, continued health and disability benefits for former employees and their qualified beneficiaries are addressed in the California Continuation Benefits Replacement Act (Cal-COBRA) (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs provide continuation coverage for limited time periods and under limited conditions. The following section reflects the general purposes of these programs; see the accompanying administrative regulation for a summary of major program requirements.

Pursuant to Governmental Accounting and Standards Board Statement 45, "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees) must be reported by the district as a current expense over the working years of an employee. To the extent that OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. See BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

**CSBA NOTE:** The following paragraph may be revised to reflect district practice. Covered employees and their qualified beneficiaries who elect continuation coverage may be required to pay all costs of the insurance plan as provided below (Education Code 7000; Health and Safety Code 1366.26; Insurance Code 10128.56; 26 USC 4980B). Any district contribution to retired employee health costs is a negotiable item.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

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## Confidentiality

CSBA NOTE: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) specifies actions that a health plan, health care provider, or health care clearinghouse must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release.

Civil Code 56.20-56.245 address an employer's responsibility to maintain the confidentiality of medical information it receives.

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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**Policy 4154: Health And Welfare Benefits**

Status: DRAFT

Original Adopted Date: Pending | Last Revised Date: 10/01/2015

The Board of Education recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-1.6)

**Continuation of Coverage**

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

**Confidentiality**

The Superintendent/Principal or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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## Policy 4254: Health And Welfare Benefits

Status: ADOPTED

Original Adopted Date: 07/01/2009 | Last Revised Date: 10/01/2015

CSBA NOTE: The following optional policy should be revised to reflect district practice and collective bargaining agreements. Districts that contract with the Board of Administration of the Public Employees' Retirement System to obtain a health benefit plan under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the following policy and accompanying administrative regulation to reflect the requirements of that program.

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

CSBA NOTE: The district should select or revise the appropriate option below to reflect district practice regarding employees who are not in bargaining units. Districts selecting Option 2 should expand this policy or accompanying administrative regulation to specify benefits for unrepresented employees. Also see BP 4121 - Temporary/Substitute Personnel.

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

OPTION 1 ENDS HERE

OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

OPTION 2 ENDS HERE

CSBA NOTE: Family Code 300, as amended by SB 1306 (Ch. 82, Statutes of 2014), defines marriage as a personal relationship arising out of a civil contract between "two persons" rather than between a man and a woman. In addition, pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses. Therefore, to the extent that the district provides health benefit coverage to spouses of employees pursuant to state law, the same coverage must be provided to registered domestic partners. Pursuant to Health and Safety Code 1374.58, health care service plans and health insurers are required to provide registered domestic partners coverage that is equal to the coverage provided to spouses.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

CSBA NOTE: The following paragraph is for use by districts that have an average of 50 or more full-time equivalent (FTE) employees over the preceding calendar year. The federal Patient Protection and Affordable Care Act (PPACA) (42 USC 300gg-300gg95; 26 USC 4980H; 26 CFR 54.4980H-1-54.4980H-6) requires such districts to offer FTE employees and their dependents (not including spouses) the opportunity to enroll in an affordable district-sponsored group health plan or health insurance coverage that provides minimum "essential coverage," as defined in Health and Safety Code 1367.005, 26 USC 5000A, and 26 CFR 1.5000A-2 and 54.4980H-1. In addition, the district must ensure that the employee's contribution toward the cost of the coverage does not exceed 9.5 percent of his/her household income; see the accompanying administrative regulation for further information about the calculation of the employee's contribution.

For purposes of determining the applicability of this law, the district must calculate the number of FTE employees in accordance with 26 USC 4980H and 26 CFR 54.4980H-1. An FTE employee is one who works at least 30 hours per week (including actual work hours and hours for which an employee is paid or entitled to be paid due to vacation, holiday, sick leave, disability, jury duty, military leave, or other leave of absence). 26 CFR 54.4980H-3, as amended by 79 Federal Register 29, Feb. 12, 2014, clarifies that districts should not calculate employment breaks of four or more consecutive weeks, such as summer break, in a way that would significantly detract from the calculation of an employee's overall work hours. Thus, an employee who averages 30 hours or more per week for nine months and then no hours for three months would still be considered a full-time employee. In addition, in determining the

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number of FTE employees, the district must include the hours of service for all part-time employees for a calendar month divided by 120. Although part-time employees are considered in the determination as to whether the PPACA applies to the district, the district is not required under the PPACA to provide health benefits to part-time employees. See BP 4121 - Temporary/Substitute Personnel. The calculation of FTE employees is complex and the district should consult legal counsel as necessary.

Beginning with the 2016 plan year, a district with 50 or more FTE employees will be required to offer health coverage that meets the PPACA requirements to at least 95 percent of its FTE employees. If a district fails to comply with this law and any FTE employee uses a federal tax credit or cost-sharing premium reduction to purchase coverage through a health exchange (i.e., Covered California), the district must pay a financial penalty.

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

**CSBA NOTE:** Pursuant to 26 USC 105 and 26 CFR 1.105-11, self-insured medical expense reimbursement plans are prohibited from discriminating in favor of "highly compensated" individuals as to eligibility to participate or level of benefits provided under the plan. As defined in 26 USC 105(h), "highly compensated" individuals are those who are among the highest paid 25 percent of all employees, with specified exceptions. The PPACA (42 USC 300gg-16) extends this requirement to non-self-insured group health plans. Implementation of this provision with respect to group health plans has been delayed until the first plan year after the issuance of federal regulations or other guidance on how to comply with the requirement. As of October 6, 2015, this delay is still in effect. However, it is still recommended that districts begin to review their plans and practices to be prepared to comply with the expected rules.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

#### Continuation of Coverage

**CSBA NOTE:** Education Code 7000-7005 provide for continued health and dental care benefits for retired certificated employees and their spouses/domestic partners. In addition, for districts with 20 or more employees, continued health and disability benefits for former classified and certificated employees and their qualified beneficiaries are addressed in the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (26 USC 4980B; 29 USC 1161-1168; 26 CFR 54.4980B-1-54.4980B-10). For districts with 2-19 employees, continued health and disability benefits for former employees and their qualified beneficiaries are addressed in the California Continuation Benefits Replacement Act (Cal-COBRA) (Health and Safety Code 1366.20-1366.29; Insurance Code 10128.50-10128.59). These programs provide continuation coverage for limited time periods and under limited conditions. The following section reflects the general purposes of these programs; see the accompanying administrative regulation for a summary of major program requirements.

Pursuant to Governmental Accounting and Standards Board Statement 45, "other postemployment benefits" (OPEBs) (i.e., medical, dental, vision, hearing, life insurance, long-term care, long-term disability, and other nonpension benefits for retired employees) must be reported by the district as a current expense over the working years of an employee. To the extent that OPEBs are not prefunded in a designated fund or irrevocable trust, they must be reported as a liability on the district's financial statements. See BP 3100 - Budget and AR 3460 - Financial Reports and Accountability.

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

**CSBA NOTE:** The following paragraph may be revised to reflect district practice. Covered employees and their qualified beneficiaries who elect continuation coverage may be required to pay all costs of the insurance plan as provided below (Education Code 7000; Health and Safety Code 1366.26; Insurance Code 10128.56; 26 USC 4980B). Any district contribution to retired employee health costs is a negotiable item.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

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## Confidentiality

CSBA NOTE: The Health Insurance Portability and Accountability Act (HIPAA) (45 CFR 164.500-164.534) specifies actions that a health plan, health care provider, or health care clearinghouse must take to protect the privacy of an individual's health information. Generally, entities covered by HIPAA may release or receive "protected health information" about an individual only if that individual gives permission or the Act expressly permits its release.

Civil Code 56.20-56.245 address an employer's responsibility to maintain the confidentiality of medical information it receives.

The Superintendent or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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**Policy 4254: Health And Welfare Benefits**

Status: DRAFT

Original Adopted Date: Pending | Last Revised Date: 10/01/2015

The Board of Education recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

For purposes of granting benefits, a registered domestic partner and his/her child shall have the same rights, protections, and benefits as a spouse and spouse's child. (Family Code 297.5, 300)

The district shall offer full-time employees who work an average of 30 hours or more per week and their dependents up to age 26 years a health insurance plan that includes coverage for essential health benefits, pays at least 60 percent of the medical expenses covered under the terms of the plan, and meets all other requirements of the federal Patient Protection and Affordable Care Act.

With respect to eligibility to participate in the health benefits plan or the level of health benefits provided, the district shall not discriminate in favor of employees who are among the highest paid 25 percent of all district employees. (26 USC 105; 42 USC 300gg-16)

**Continuation of Coverage**

Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

**Confidentiality**

The Superintendent/Principal or designee shall not use or disclose any employee's medical information the district possesses without the employee's authorization obtained in accordance with Civil Code 56.21, except for the purpose of administering and maintaining employee benefit plans and for other purposes specified in law. (Civil Code 56.20)

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**Policy 4354: Health And Welfare Benefits**

Status: ADOPTED

| Last Revised Date: 10/01/2015

CSBA NOTE: The following optional policy should be revised to reflect district practice and collective bargaining agreements. Districts that contract with the Board of Administration of the Public Employees' Retirement System to obtain a health benefit plan under the Public Employees' Medical and Hospital Care Act (PEMHCA), Government Code 22750-22944, should revise the following policy and accompanying administrative regulation to reflect the requirements of that program.

The Governing Board recognizes that health and welfare benefits are essential to promote employee health and productivity and are an important part of the compensation offered to employees. The district shall provide health and welfare benefits for employees in accordance with state and federal law and subject to negotiated employee agreements.

CSBA NOTE: The district should select or revise the appropriate option below to reflect district practice regarding employees who are not in bargaining units. Districts selecting Option 2 should expand this policy or accompanying administrative regulation to specify benefits for unrepresented employees. Also see BP 4121 - Temporary/Substitute Personnel.

OPTION 1: Certificated management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for certificated employees. Classified management, administrative, and supervisory employees who are not in bargaining units shall receive the same health and welfare benefits as those specified in the collective bargaining agreement for classified employees.

OPTION 1 ENDS HERE

OPTION 2: Employees who are not in bargaining units shall receive health and welfare benefits as specified in Board policy and administrative regulation.

OPTION 2 ENDS HERE

CSBA NOTE: Family Code 300, as amended by SB 1306 (Ch. 82, Statutes of 2014), defines marriage as a personal relationship arising out of a civil contract between "two persons" rather than between a man and a woman. In addition, pursuant to Family Code 297.5, registered domestic partners have the same rights, protections, and benefits as spouses. Therefore, to the extent that the district provides health benefit coverage to spouses of employees pursuant to state law, the same coverage must be provided to registered domestic partners. Pursuant to Health and Safety Code 1374.58, health care service plans and health insurers are required to provide registered domestic partners coverage that is equal to the coverage provided to spouses.

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Retired certificated employees, other employees who would otherwise lose coverage due to a qualifying event specified in law and administrative regulation, and their qualified beneficiaries may continue to participate in the district's group health and welfare benefits in accordance with state and federal law.

CSBA NOTE: The following paragraph may be revised to reflect district practice. Covered employees and their qualified beneficiaries who elect continuation coverage may be required to pay all costs of the insurance plan as provided below (Education Code 7000; Health and Safety Code 1366.26; Insurance Code 10128.56; 26 USC 4980B). Any district contribution to retired employee health costs is a negotiable item.

Unless otherwise provided for in the applicable collective bargaining agreement, covered employees and their qualified beneficiaries may receive continuation coverage by paying the premiums, dues, and other charges, including any increases in premiums, dues, and costs incurred by the district in administering the program.

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## Confidentiality

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Civil Code 56.20-56.245 address an employer's responsibility to maintain the confidentiality of medical information it receives.

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**TENTATIVE AGREEMENT**

**BETWEEN THE**

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT**

**AND THE**

**CALIFORNIA SCHOOL  
EMPLOYEES ASSOCIATION  
AND ITS  
CUYAMA CHAPTER #288**

**JULY 1, 2020 – JUNE 30, 2023**

**(October 7, 2022)**

This Tentative Agreement is entered into by and between the Cuyama Joint Unified School District ("District") and the California School Employees Association and its Cuyama Chapter No. 288 ("Association") and is dated October 7, 2022 for purposes of reference only. As a result of negotiations, the District and the Association have agreed to a Tentative Agreement as set forth below.

### **2021-2022 School Year:**

The Parties agree to status quo on all provisions of the 2020-2023 Collective Bargaining Agreement.

## **ARTICLE 7 COMPENSATION AND HEALTH BENEFITS**

A. Regular Rate of Pay: The regular rate of pay for each position in the unit shall be established in accordance with the rates established for each class as provided in Appendix B and by reference incorporated as part of this Agreement.

~~1. All unit members will be paid according to the classified salary schedules attached to this Agreement as Appendix B and Appendix B-1.~~

~~1. For the 2017-2018 fiscal year commencing July 1, 2017, all steps and ranges shown in the classified salary schedule shall be increased by three (3) percent. The 2017-2018 Classified Salary Schedule is attached as Appendix B.~~

For the ~~2018-2019~~ **2022-2023** fiscal year commencing July 1, ~~2022~~ **2018**, Appendix B shall be in effect. **Appendix B reflects the squaring of the salary schedule and an additional three percent (3%) as reflected in the attached salary schedule.** ~~all steps and ranges shown in the classified salary schedule shall be increased by two (2) percent. The 2018-2019 Classified Salary Schedule is attached as Appendix B-1.~~

### **B – G: No Changes.**

H. Health and Welfare Benefits:

~~1. For the 2017-2018 benefit plan year, the District shall provide up to \$9,277.92 for payment of the premiums for medical insurance for all eligible employees belonging to health and welfare benefit plans listed in Appendix G attached to this Agreement.~~

**2.** For the ~~2018-2019~~ **2022-2023** benefit plan year, the District shall provide up to \$10,000.00 for payment of the premiums for medical insurance for all eligible



employees belonging to health and welfare benefit plans listed in Appendix C attached to this Agreement.

2. The District agrees to negotiate any proposed changes in benefit and/or carrier with CSEA.

3. Insurance contributions for unit members hired prior to July 1, 1995, are based on full-time employees' regular assignment of 8 hours per day, 40 hours per week, 12 months per year. Part-time employees (four hours or more) hired prior to this date will contribute a prorated share to their insurance premiums as they compare to a full-time employee's regular assignment.

4. Effective March 1996, in order for an employee to be eligible for the health and welfare benefits specified under the provisions of this article, the employee must work at least seven or more hours per day, five days per week, ten or more months per year.

5. Employees shall pay any premium costs above the District's contribution set forth in paragraph H.1.

**I – L: No Changes.**

## **ARTICLE 8 HOLIDAYS**

A. Scheduled Holidays: The District agrees to provide employees with the following paid holidays:

New Year's Day - January 1  
Martin Luther King's Birthday  
Lincoln Day – February  
President's Day (Washington)  
Memorial Day

**Juneteenth (retroactive to June 2021)**

Independence Day  
Labor Day  
Veterans' Day  
Thanksgiving Day  
Friday following Thanksgiving  
Christmas Day

A day in lieu of Admissions Day (this day will be mutually determined by the end of school year, when possible, or as soon thereafter prior to publication of the school calendar)

**B – F: No Changes.**

## **OTHER MATTERS**

1. The Parties agree to cooperate in preparing a final agreement that will contain the agreements set forth in this Tentative Agreement.

2. The Parties acknowledge and agree that there may be certain language clean-up of a non-substantive nature that will be corrected in the final agreement. The Parties must mutually agree to any clean-up requests or the change shall not be made.

3. The salary schedule increase is retroactive to July 1, 2022 and will apply base salary only.

4. This Tentative Agreement is entered into pursuant to the provisions of Sections 3540-3549 of the California Government Code.

**This Tentative Agreement is subject to ratification by the California School Employees Association Chapter #288 membership and approval by the Cuyama Joint Unified School District Board of Trustees.**

## **RECOMMENDED FOR RATIFICATION**

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

CSEA No. 288

October 7, 2022

October 7, 2022

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Alfonso Gamino

Superintendent

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Fernando De Los Santos

President

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Carlos Lopez

CSEA Labor Relations Rep

## **APPENDIX B**

**(July 1, 2022 – June 30, 2023 Classified Salary Schedule)**

**CUYAMA JOINT UNIFIED SCHOOL DISTRICT  
CLASSIFIED SALARY SCHEDULE  
(YEAR)**

3% between Steps  
1.5% between ranges

Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Range
100	\$15.96	\$16.44	\$16.93	\$17.44	\$17.96	\$18.50	\$19.06	\$19.63	100
200	\$16.20	\$16.69	\$17.19	\$17.70	\$18.23	\$18.78	\$19.34	\$19.92	200
300	\$16.44	\$16.93	\$17.44	\$17.96	\$18.50	\$19.06	\$19.63	\$20.22	300
400	\$16.69	\$17.19	\$17.70	\$18.23	\$18.78	\$19.34	\$19.92	\$20.53	400
500	\$16.93	\$17.44	\$17.96	\$18.50	\$19.06	\$19.63	\$20.22	\$20.83	500
600	\$17.19	\$17.70	\$18.23	\$18.78	\$19.34	\$19.92	\$20.53	\$21.15	600
700	\$17.44	\$17.96	\$18.50	\$19.06	\$19.63	\$20.22	\$20.83	\$21.46	700
800	\$17.70	\$18.23	\$18.78	\$19.34	\$19.92	\$20.53	\$21.15	\$21.79	800
900	\$17.96	\$18.50	\$19.06	\$19.63	\$20.22	\$20.83	\$21.46	\$22.11	900
1000	\$18.23	\$18.78	\$19.34	\$19.92	\$20.53	\$21.15	\$21.79	\$22.44	1000
1100	\$18.50	\$19.06	\$19.63	\$20.22	\$20.83	\$21.46	\$22.11	\$22.78	1100
1200	\$18.78	\$19.34	\$19.92	\$20.53	\$21.15	\$21.79	\$22.44	\$23.12	1200
1300	\$19.06	\$19.63	\$20.22	\$20.83	\$21.46	\$22.11	\$22.78	\$23.47	1300
1400	\$19.34	\$19.92	\$20.53	\$21.15	\$21.79	\$22.44	\$23.12	\$23.82	1400
1500	\$19.63	\$20.22	\$20.83	\$21.46	\$22.11	\$22.78	\$23.47	\$24.18	1500
1600	\$19.92	\$20.53	\$21.15	\$21.79	\$22.44	\$23.12	\$23.82	\$24.54	1600
1700	\$20.22	\$20.83	\$21.46	\$22.11	\$22.78	\$23.47	\$24.18	\$24.91	1700
1800	\$20.53	\$21.15	\$21.79	\$22.44	\$23.12	\$23.82	\$24.54	\$25.28	1800

# *Cuyama Joint Unified School District*

2300 Highway 166, New Cuyama, California 93254  
(661) 766-2482 • FAX (661) 766-2255

## September 16, 2022 Classified Hourly Salary Schedule

Range	Job Code	Position Title
1. 100	4012	Utility Worker/Rental Maintenance
2. 200	3004	Instructional Aide/ASES ACT Lead Medical/504 Aide
3. 300	5001	Cook's Helper
4. 400	3005	School Clerk/Data Entry
5. 500	4009	Custodian
6. 600	3009	Instruction Aide-Library/Media
7. 700	3001	Account Clerk
8. 800	5002	Cook
9. 900	4006	Bus Driver/Mechanic
10. 1000	4000	Maintenance I
11. 1100	3006	ASES Site Supervisor
12. 1200	3000	School Secretary
13. 1300	4002	Maintenance II
14. 1400	4004	Bus Driver
15. 1500	3010	Network/Tech support
16. 1600	4003	Maintenance III
17. 1700	3003	Student information/Testing Coordinator
18. 1800	4003	Maintenance/Operator/ Transportation Lead (MOT)

These ranges align with the current 2019-2020 Classified Hourly Salary Schedule on CBA

Classified Salaries		
Employee #	Step	Range
1	A	200
2	A	200
3	A	200
4	A	200
5	A	1300
6	A	500
7	B	700
8	B	200
9	H	1600
10	C	200
11	F	800
12	H	1200
13	H	1600
14	F	800

Cuyama Joint Unified School District  
CLASSIFIED CONFIDENTIAL/MANAGEMENT  
Effective July 1, 2022

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
<b>2000</b>								
MOT Supervisor	\$51,521.60	\$53,067.25	\$54,659.27	\$56,299.05	\$57,988.02	\$59,727.66	\$61,519.49	\$63,365.08
260 days	\$4,293.47	\$4,422.27	\$4,554.94	\$4,691.59	\$4,832.34	\$4,977.31	\$5,126.62	\$5,280.42
Hourly	\$24.77	\$25.51	\$26.28	\$27.07	\$27.88	\$28.72	\$29.58	\$30.46
<b>2001</b>								
Business Manager 260 days	\$66,768.00	\$68,771.04	\$70,834.17	\$72,959.20	\$75,147.98	\$77,402.41	\$79,724.48	\$82,116.22
Monthly	\$5,564.00	\$5,730.92	\$5,902.85	\$6,079.93	\$6,262.33	\$6,450.20	\$6,643.71	\$6,843.02
Hourly	\$32.10	\$33.06	\$34.05	\$35.08	\$36.13	\$37.21	\$38.33	\$39.48
<b>3007</b>								
Administrative Assistant	\$43,284.80	\$44,574.40	\$45,905.60	\$47,278.40	\$48,662.80	\$50,148.80	\$51,667.20	\$53,227.20
260 days	\$3,607.07	\$3,714.53	\$3,825.47	\$3,939.87	\$4,080.23	\$4,179.07	\$4,305.60	\$4,435.60
Hourly	\$20.81	\$21.43	\$22.07	\$22.73	\$23.41	\$24.11	\$24.84	\$25.59
<b>5004</b>								
Cafeteria Manager	\$31,712.64	\$32,683.76	\$33,670.8	\$34,689.68	\$35,724.48	\$36,791.12	\$37,889.60	\$39,026.29
(position)	\$159.36	\$164.24	\$169.20	\$174.32	\$179.52	\$184.88	\$190.40	\$196.11
• 199 days	\$19.92	\$20.53	\$21.15	\$21.79	\$22.44	\$23.11	\$23.80	\$24.51
Sec. to Superintendent	\$42,016.00	\$43,284.80	\$44,574.40	\$45,905.60	\$47,278.40	\$48,662.80	\$50,148.80	\$51,667.20
260 days	\$3,501.33	\$3,607.07	\$3,714.53	\$3,825.47	\$3,939.87	\$4,080.23	\$4,179.07	\$4,305.60
Hourly	\$20.20	\$20.81	\$21.43	\$22.07	\$22.73	\$23.41	\$24.11	\$24.84

**Longevity Pay**

Effective July 1, 2000, an eligible employee employed not less than four hours a day, five days a week, and who has continuously served in the employment, of the District, shall be granted a longevity stipend beginning with year 10 and continuing at 5-year intervals up to and including year 30. This stipend shall be paid to the eligible employee on the first payroll period in the fiscal year qualifying the employee for the stipend. The amount of the longevity stipend will be calculated at 100 times the eligible employee's base hourly wage. The increments shall be based upon a full-time employment and shall be prorated for any eligible employee working less than full-time hours on the number of hours worked in relation to eight hours per day.

Previous schedule adopted 5/30/2018 and updated on 6/1/2018 effective July 1, 2018.      New schedule effective July 1, 2022      Adopted:      11/10/2022





# *Cuyama Joint Unified School District*

2300 Highway 166, New Cuyama, California 93254  
(661) 766-2482 • FAX: (661) 766-2255

K-12 Counselor: Academic, social, emotional salary schedule

Counselor Salary Range:

Step I	Step II	Step III	Step IV
\$94,748	\$96,351	97,953	\$99,556

## **SALARY**

Counselor Salary Range - \$94,748 - \$99,556

## **WORKDAYS**

195 Days (8 hours per day)

**Job description created October 19, 2021**  
**Salary increase: 7% effective July 1, 2022**  
**This schedule reflects the 7% increase**



# *Cuyama Joint Unified School District*

2300 Highway 166, New Cuyama, California 93254  
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## Community Schools Coordinator – Grant Funded Salary Schedule

Step I	Step II	Step III	Step IV	Step V	Step VI
\$74,900	\$76,773	78,692	\$80,659	\$82,676	\$84,742

2.5% difference in each step

**Job description created: May 31, 2022**  
**Job description Board approved: June 16, 2022**  
**Salary increase: 7% effective July 1, 2022**  
**This schedule reflects the 7% increase**

