

school year. After serving 75 percent of the number of days that district schools are maintained during one school year, a temporary employee may be released as long as ~~he/she~~the employee is notified, before the last day of June, of the district's decision not to reelect ~~him/her~~the temporary employee for the following school year. (Education Code 37200, 44954)

Reemployment as a Probationary Employee

CSBA NOTE: Education Code 44917, 44918, and 44920 provide that a substitute or temporary employee who performs the duties of a certificated employee for a complete school year, or for at least 75 percent of the days in the school year, shall be given credit for a complete year as a probationary employee if ~~he/she~~the employee is then employed as a probationary employee the following school year, as provided below. However, in *McIntyre v. Sonoma Valley Unified School District*, the court clarified that a district is not required to grant probationary status to an employee based solely on the fact that ~~he/she~~the employee served as a temporary employee for more than one year if the employee is released and reemployed as a temporary employee for the following year to fill the position of a regularly employed person absent from service.

Reemployment provisions contained in Education Code 44918 do not apply to districts with average daily attendance of over ~~400~~250,000; such districts should modify the following section accordingly.

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

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

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

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

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

employee shall have taught the subject matter in which the vacant position occurs. (Education Code 44918)

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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	Description
5 CCR 5502	Filing of notice of physical examination for employment of retired person
5 CCR 5503	Physical examination for employment of retired persons
5 CCR 5590	Temporary athletic teach <u>team</u> coach
5 CCR 80025-80025.5	Emergency substitute teaching permits
Ed. Code 22455.5	STRS information to potential members
Ed. Code 22515	Irrevocable election to join retirement plan
Ed. Code 37200	School calendar
Ed. Code 44252.5	State basic skills assessment required for certificated personnel
Ed. Code 44300	Emergency permits
Ed. Code 44830	Employment of certificated persons
Ed. Code 44839.5	Requirements for employment of retirant
Ed. Code 44845	Date of employment
Ed. Code 44846	Criteria for reemployment preferences
Ed. Code 44909	Employees providing services through categorically funded programs
Ed. Code 44914	Substitute and probationary employment computation for classification as permanent employee
Ed. Code 44915	Classification of probationary employees
Ed. Code 44916	Written statement of employment status
Ed. Code 44917	Classification of substitute employees
Ed. Code 44918	Substitute or temporary employee deemed probationary employee; reemployment rights
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 44920	Employment of certain temporary employees; classifications
Ed. Code 44921	Employment of temporary employees; reemployment rights (unified and high school districts)

Ed. Code 44953	Dismissal of substitute employees
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44956	Rights of laid-off permanent employees to substitute positions
Ed. Code 44957	Rights of laid-off probationary employees to substitute positions
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 45030	Substitutes
Ed. Code 45041	Computation of salary
Ed. Code 45042	Alternative method of computation for less than one school year
Ed. Code 45043	Compensation for employment beginning in the second semester
Ed. Code 56060-56063	Substitute teachers in special education
Gov. Code 3540.1	Public employment; definitions
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
Management Resources	Description
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services

Website

Commission on Teacher Credentialing

Website

CSBA

Cross References

Code	Description
0500	Accountability
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment
4112.1	Contracts
4112.2	Certification
4112.2	Certification
4112.3	Oath Or Affirmation
4112.3-E(1)	Oath Or Affirmation
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113	Assignment
4113	Assignment
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits

4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.3	Oath Or Affirmation
4212.3-E(1)	Oath Or Affirmation
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4217.3	Layoff/Rehire
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.3	Oath Or Affirmation
4312.3-E(1)	Oath Or Affirmation
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.14	Postretirement Employment
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches

4340	Bargaining Units
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6175	Migrant Education Program
6175	Migrant Education Program
6200	Adult Education
6200	Adult Education

Regulation 4121: Temporary/Substitute Personnel

Status: ADOPTED

Original Adopted Date: 06/01/1997 | Last Revised Date: 07/06/01/20122024 | Last Reviewed
Date: 07/06/01/20122024

CSBA NOTE: The following optional administrative regulation is subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

Qualifications

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

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

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

Notifications

CSBA NOTE: Education Code 44915 and 44916 require the Governing Board to classify substitute and temporary employees at the time of initial employment and each July thereafter; see the accompanying Board policy. In addition, Education Code 44916 requires the district to provide temporary employees written notice of their status at the time of initial employment. In *Kavanaugh v. West Sonoma County Union High School District*, the California Supreme Court determined that a temporary employee who received such notice three weeks after she started work was probationary rather than temporary. Although the notice was sent immediately after the ~~board~~ Board approved the ~~employee's~~ employee's appointment at the first available meeting, the ~~court~~ Supreme Court found that an employee must receive notice of temporary classification before starting work.

Temporary athletic team coaches may be an exception to the notice requirement. In *Neily v. Manhattan Beach Unified School District*, a dismissed employee argued that, because the district did not provide a written statement of classification in accordance with Education Code 44916, it had a mandatory duty to classify him as a probationary employee. However, the court did not accept that the only path to defining a position as temporary is through district notification of that

classification, and held that a second path to defining a position as temporary is through a specific section of the pursuant to Education Code that 44919, which expressly defines the position as temporary. The court determined that a temporary athletic team coach who holds no other position in the district is deemed a temporary employee pursuant to Education Code 44919. See also BP/AR 4127 – Temporary Athletic Team Coaches.

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

Time of initial employment means before the employee starts work. (Kavanaugh v. West Sonoma County Union High School District)

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

Assignments

CSBA NOTE: 5 CCR 80025-80025.5 specify restrictions pertaining to the number of days that an emergency substitute permit holder may substitute for any one teacher during the school year; see BP/AR 4112.2 - Certification.

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

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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

5 CCR 5502

Description

Filing of notice of physical examination for employment of retired person

5 CCR 5503

Physical examination for employment of retired persons

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

Ed. Code 45042	Alternative method of computation for less than one school year
Ed. Code 45043	Compensation for employment beginning in the second semester
Ed. Code 56060-56063	Substitute teachers in special education
Gov. Code 3540.1	Public employment; definitions
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
Management Resources	
Court Decision	Description Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	McIntyre v. Sonoma Valley Unified School District (2012) 206 Cal.App.4th 170
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
Court Decision	Stockton Teachers Association CTA/NEA v. Stockton Unified School District (2012) 204 Cal.App.4th 446
Court Decision	Bakersfield Elementary Teachers Association v. Bakersfield City School District (2006) 145 Cal.App.4th 1260
Court Decision	California Teachers Association v. Vallejo City Unified School District (2007) 149 Cal.App.4th 135
Website	CSBA District and County Office of Education Legal Services
Website	Commission on Teacher Credentialing
Website	CSBA
Cross References	
Code	Description
0500	Accountability
4111.2	Legal Status Requirement
4111.2	Legal Status Requirement
4112	Appointment And Conditions Of Employment
4112.1	Contracts

4112.2	Certification
4112.2	Certification
4112.3	Oath Or Affirmation
4112.3-E(1)	Oath Or Affirmation
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4113	Assignment
4113	Assignment
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4127	Temporary Athletic Team Coaches
4127	Temporary Athletic Team Coaches
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4151	Employee Compensation
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4161.1	Personal Illness/Injury Leave
4161.2	Personal Leaves
4211.2	Legal Status Requirement
4211.2	Legal Status Requirement
4212.3	Oath Or Affirmation
4212.3-E(1)	Oath Or Affirmation
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.9	Employee Notifications

4212.9-E(1)	Employee Notifications
4217.3	Layoff/Rehire
4227	Temporary Athletic Team Coaches
4227	Temporary Athletic Team Coaches
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4251	Employee Compensation
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4261.2	Personal Leaves
4311.2	Legal Status Requirement
4311.2	Legal Status Requirement
4312.3	Oath Or Affirmation
4312.3-E(1)	Oath Or Affirmation
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4317.14	Postretirement Employment
4327	Temporary Athletic Team Coaches
4327	Temporary Athletic Team Coaches
4340	Bargaining Units
4351	Employee Compensation
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4361.1	Personal Illness/Injury Leave
4361.2	Personal Leaves
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6175	Migrant Education Program
6175	Migrant Education Program

6200

Adult Education

6200

Adult Education

Policy 4127: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 05/06/01/2017 2024 | **Last Reviewed Date:** 05/06/01/2017 2024

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

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

CSBA NOTE: When hiring a temporary athletic team coach, Education Code 44919 requires districts to first make the position available to a credentialed teacher presently employed by the district. In *CTA v. Rialto Unified School District*, the California Supreme Court held that the law is intended to grant a current certificated employee a limited advantage in the hiring process over a noncertificated employee or a nonemployee, provided that the applicant applies for the position and meets qualification criteria established by the district.

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

CSBA NOTE: 5 CCR 5596 specifies a code of ethical conduct for athletic coaches; see the accompanying administrative regulation. In addition, the California Interscholastic Federation (CIF) has adopted a set of principles to guide the conduct of coaches and other participants in interscholastic athletic competitions; see BP 6145.2 - Athletic Competition.

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

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

Qualifications and Training

CSBA NOTE: 5 CCR 5593 establishes the minimum qualifications for employees serving as temporary athletic team coaches; see the accompanying administrative regulation.

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

CSBA NOTE: Pursuant to Education Code 49024, any noncertificated employee or volunteer who works with students in a district-sponsored student activity program, such as a scholastic program,

an interscholastic athletic program, or extracurricular activities, is required to obtain an Activity Supervisor Clearance Certificate (ASCC) from the Commission on Teacher Credentialing, unless the district requires the candidate to clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check. See BP/AR 1240 - Volunteer Assistance and AR 4112.5/4212.5/4312.5 - Criminal Record Check. Thus, the Governing Board may (1) choose to require a temporary athletic team coach to obtain the ASCC or a DOJ/FBI criminal background check; (2) permit an individual, at ~~his/her~~ the individual's discretion, to obtain either the ASCC or DOJ/FBI check; or (3) apply different requirements to different positions in the district (e.g., head coaches vs. assistant coaches; employees vs. volunteers). The following paragraph should be modified to reflect district practice.

In addition, Education Code 45125.01 allows multiple districts within a county or within contiguous counties to share criminal record information of noncertificated employees and volunteers working in a student activity program.

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

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

CSBA NOTE: Education Code 49032 requires that all high school coaches complete a district or CIF-developed coaching education program that meets the guidelines of Education Code 35179.1 and, which, as amended by AB 245 (Ch. 422, Statutes of 2023), includes training on in cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes but is not limited to training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. Additionally, Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires coaches, beginning July 1, 2017, to complete a training course related to the nature and warning signs of sudden cardiac arrest and to retake such a course every two years thereafter. See For more information regarding training of interscholastic athletic activity coaches, see the accompanying administrative regulation.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.7 8	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis

Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act

Management Resources	Description
California Interscholastic Federation Publication	California Interscholastic Federation Constitution and Bylaws (https://www.cifstate.org/governance/constitution/index)
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999 (https://www.cifstate.org/coaches-admin/pvh/index)
Commission on Teacher Credentialing Publication	10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), <u>Coded Correspondence 10-11</u> , July 20, 2010
Court Decision	CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187

CSBA Publication

Steroids and Students: What Boards Need to Know, Policy Brief, July 2005 [Preventing Catastrophic Heat Illness, Governance Brief, July 2018 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc)

[CSBA Publication](#)

[Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d\)](https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d)

Website

CSBA District and County Office of Education Legal Services

[Website](#)

[Positive Coaching Alliance \(https://positivecoach.org/\)](https://positivecoach.org/)

Website

National Athletic Trainers' Association

Website

California Interscholastic Federation

Website

California Athletic Trainers' Association

Website

Commission on Teacher Credentialing

Website

CSBA

Website

California Department of Education

Cross References

Code

1230

Description

School-Connected Organizations

1230

School-Connected Organizations

1240

Volunteer Assistance

1240

Volunteer Assistance

4112.4

Health Examinations

4112.5

Criminal Record Check

4112.5-E(1)

Criminal Record Check

4118

Dismissal/Suspension/Disciplinary Action

4118

Dismissal/Suspension/Disciplinary Action

4121

Temporary/Substitute Personnel

4121

Temporary/Substitute Personnel

4212.4

Health Examinations

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

Regulation 4127: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 05/06/01/2017 2024 | **Last Reviewed**
Date: 05/06/01/2017 2024

Qualifications

CSBA NOTE: 5 CCR 5593 establishes minimum qualifications for certificated and noncertificated employees assigned as temporary athletic team coaches. Pursuant to 5 CCR 5593, the Superintendent or designee is required to certify to the Governing Board that each newly hired coach meets the requirements of 5 CCR 5593; see the accompanying Board policy.

The district should modify the following section to reflect any additional criteria. Districts may consider developing specific criteria for each coaching interscholastic athletic activity coach position.

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

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of ~~inservice~~ in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached

- d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
 4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

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

CSBA NOTE: The qualifications required by 5 CCR 5593 for employees serving as temporary athletic team coaches do not apply to volunteer coaches. The following optional paragraph is for use by districts that require volunteers who supervise or direct an athletic program to meet those same qualifications. For more information regarding volunteer assistance in schools, see BP/AR 1240 – Volunteer Assistance.

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

Additional Qualifications of Noncertificated Personnel and Volunteers

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

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

CSBA NOTE: Pursuant to Education Code 49024 requires, any noncertificated employee or volunteer who works with students in a district-sponsored student activity program, including

scholastic programs, interscholastic athletic program ~~to~~ programs, and extracurricular activities, must obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or ~~to~~ clear a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties. See the accompanying Board policy.

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

Training

CSBA NOTE: The following paragraph is for use by districts that maintain high schools. Education Code 49032 requires that all high school coaches complete a coaching education program developed by the district or the California Interscholastic Federation (CIF) that meets the guidelines listed in Education Code 35179.1 and includes training on the signs, symptoms, and appropriate response to concussions, as amended by AB 245 (Ch. 422, Statutes of 2023), and includes training in cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. Pursuant to Health and Safety Code 124238.5, as added by AB 1467 (Ch. 24, Statutes of 2023), beginning January 1, 2027, districts are required to provide student athletes with access to an AED during any official practice or match that, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification and complies with any other qualifications pursuant to law.

Pursuant to Education Code 35179.8, as amended by AB 1653 (Ch. 589, Statutes of 2023), CIF, in consultation with the California Department of Education (CDE), is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

Districts that wish to set their own standards for the coaching education program instead of using the standards developed by the CIF should modify the following paragraph accordingly.

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

CSBA NOTE: Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires the coach of an athletic activity, beginning July 1, 2017, to complete, and retake every two years thereafter, a training course related to the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing fainting or seizures during exercise, unexplained shortness of breath, chest pain, dizziness, racing heart rate, or extreme fatigue. Pursuant to Education Code 33479.7, as added by AB 1639, ~~on or after July 1, 2019~~ a coach who does not complete the required sudden cardiac arrest training is subject to suspension from coaching any athletic activity until the required training is completed.

Online training fulfilling this requirement is available on the CIF's ~~web site~~ website.

Additionally, Education Code 33479.2; as added by AB 1639, requires the California Department of Education CDE to post related information on its web site website.

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

Code of Ethical Conduct

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

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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

5 CCR 5531

Description

Supervision of extracurricular activities of students

5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.78	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis

Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act

Management Resources

California Interscholastic Federation Publication	Description California Interscholastic Federation Constitution and Bylaws (https://www.cifstate.org/governance/constitution/index)
California Interscholastic Federation Publication	Pursuing Victory with Honor, 1999 (https://www.cifstate.org/coaches-admin/pvh/index)
Commission on Teacher Credentialing Publication	10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), <u>Coded Correspondence 10-11</u> , July 20, 2010
Court Decision	CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627
Court Decision	Kavanaugh v. West Sonoma Union High School District (2003) 29 Cal.4th 911
Court Decision	Neily v. Manhattan Beach Unified School District (2011) 192 Cal.App.4th 187
CSBA Publication	Steroids and Students: What Boards Need to Know, Policy Brief, July 2005 <u>Preventing Catastrophic Heat Illness, Governance Brief, July 2018</u> (https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc)
<u>CSBA Publication</u>	<u>Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016</u> (https://www.csba.org/)

</media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.aspx?la=en&rev=5426e7214aa540819e2534a64c1ec82d>

Website	CSBA District and County Office of Education Legal Services
Website	Positive Coaching Alliance (https://positivecoach.org/)
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
5121	Grades/Evaluation Of Student Achievement

5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.63	Steroids
5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

Policy 4161: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 07/06/01/2008 2024 | Last Reviewed
Date: 07/06/01/2008 2024

CSBA NOTE: Employee leave provisions are frequently governed by a collective bargaining agreement or a memorandum of understanding between the Governing Board and employee organizations. The following optional policy is subject to collective bargaining and should be deleted or revised for consistency in accordance with any such district agreements applicable collective bargaining agreement. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

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

CSBA NOTE: Items #1-10 below reflect categories of leave which are described in more detail in the cited cross-referenced leave policies or administrative regulations: cited below in the Policy Reference section. In addition, Education Code ~~Codes~~ 44963, applicable to certificated staff, and 45198, applicable to classified staff, allow the Governing Board to grant leaves with or without pay to certificated and classified staff for any purpose or period of time, as long as no employee is deprived of any leave to which ~~he/she~~ the employee is legally entitled. Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), clarifies that, as to classified staff, including in a district that has adopted the merit system, the Board's authority to grant leaves of absence and vacations with or without pay includes voluntary leaves of absence. Any additional types of leaves so granted by the Board may be added to the following list.

The Board recognizes the following justifiable reasons for employee absence: Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies

CSBA NOTE: Pursuant to Education Code 44986, the Board may grant to any certificated employee who has applied for disability benefits a leave of absence, not to exceed 30 days beyond final

determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave must be extended for the term of the disability, up to 39 months.

6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities

CSBA NOTE: Pursuant to Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), if a district, including a district that has adopted the merit system, places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then, upon the conclusion of the proceedings in favor of the employee, the district is required to pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district. "Involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension.

10. Compulsory leave

11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

12. Bereavement

Long-Term Leaves

CSBA NOTE: The following optional section should be revised as necessary for consistency with a collective bargaining agreement or a memorandum of understanding between the Board and employee organizations.

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

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

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

Administrative and Supervisory Personnel

CSBA NOTE: Leave provisions for administrative and supervisory personnel who are not subject to collective bargaining agreements may be detailed in an individual contract, memorandum of understanding, or Board policy. The following optional section is for use by districts that, viathrough policy, grant the same leave provisions to administrative and supervisory employees as are granted to other certificated or classified employees.

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

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act

Gov. Code 12945.7

Gov. Code 20990-21013

Gov. Code 3543.1

Gov. Code 3543.2

Lab. Code 230-230.2

Lab. Code 230.3

Lab. Code 230.4

Lab. Code 230.8

Lab. Code 233

M&V Code 395-395.9

M&V Code 395.10

Federal

29 USC 2601-2654

38 USC 4301-4334

Management Resources

Website

Cross References

Code

2121

4112.1

4112.42

4112.42

4118

4118

4131

4141

4154

4154

Bereavement leave

Pension benefits; PERS members on military leave

Rights of employee organizations

Scope of representation

Leaves for victims of domestic violence, sexual assault or specified felonies

Leave for emergency personnel

Leave for volunteer firefighters

Time off to visit child's school

Leave to attend to family illness

Military leave

Leave when spouse on leave from military deployment

Description

Family Care and Medical Leave Act

Uniformed Services Employment and Reemployment Rights Act of 1994

Description

CSBA District and County Office of Education Legal Services

Description

Superintendent's Contract

Contracts

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Dismissal/Suspension/Disciplinary Action

Dismissal/Suspension/Disciplinary Action

Staff Development

Collective Bargaining Agreement

Health And Welfare Benefits

Health And Welfare Benefits

4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.3	Professional Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.3	Professional Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.1	Contracts

4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4331	Staff Development
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4161: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 07/06/01/2008 2024 | Last Reviewed
Date: 07/06/01/2008 2024

Failure to Return to Service After Leave

CSBA NOTE: Education Code 44842(c) CSBA NOTE: The following optional regulation is subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

Education Code 44842 addresses the return to service of a certificated employee at the beginning of the school year following a leave of absence after April 30 of the previous school year and authorizes termination of the employee if specified circumstances exist. As described in ~~item~~ Item #1 below, one of the circumstances is the employee's failure to report for duty, without good cause, after having notified the Governing Board of ~~his/her~~ the intent to remain in service. See AR 4112.1 - Contracts for provisions of Education Code 44842 pertaining to the duty of all certificated employees to notify the district of their intention to remain in service if the district has issued a written re-employment notice requesting employees to provide such notice.

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

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

~~In any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)~~

Use of Leaves by Classified Employees

CSBA NOTE: Education Code 45200 authorizes the Board to allow classified employees to switch from vacation leave to another type of leave as provided below. The following optional section is for use by districts that choose to offer such an option to classified employees and may be used by districts that have adopted the merit system.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
<u>Gov. Code 12945.7</u>	<u>Bereavement leave</u>
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395 395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.3	Professional Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.3	Professional Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4331	Staff Development
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave

4361.9

Catastrophic Leave Program

4361.9

Catastrophic Leave Program

Regulation 4161.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 03/01/2017 | **Last Revised Date:** 06/01/2023 **2024** | **Last Reviewed Date:** 06/01/2023 **2024**

CSBA NOTE: The following administrative regulation applies to certificated employees, including certificated management. For classified employees, including classified management, see AR 4261.1 – Personal Illness/Injury Leave.

The following administrative regulation is subject to collective bargaining: and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law. Certain portions of this administrative regulation are mandated or conditionally mandated; see "Verification Requirements" and "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" sections below.

Education Code 44978 provides a minimum of 10 days of personal illness or injury leave (sick leave) per year for certificated employees working five days a week. The Governing Board may allow additional days at its discretion; if it does so, the following paragraph should be revised accordingly.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days or more within a year of their employment, including temporary and substitute employees. Pursuant to Labor Code 246, as amended by SB 616 (Ch. 309, Statutes of 2023), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of their employment or each calendar year or 12-month period, and at least 40 hours or five days of paid sick leave by the 200th calendar day of employment, each calendar year, or 12-month period.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. However, even for employees covered by a valid collective bargaining agreement, Labor Code 246.5, as amended by SB 616, extends procedural protections regarding retaliation to such employees. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation has been drafted to include the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see the section titled "Healthy Workplaces,

Healthy Families Act Requirements" below. For paid sick leave for temporary and substitute certificated employees, see BP/AR 4121 - Temporary/Substitute Personnel. For sick leave for classified employees, see AR 4261.1 - Personal Illness/Injury Leave.

The following administrative regulation applies to certificated employees, including certificated management. For classified employees, including classified management, see Administrative Regulation 4261.1 - Personal Illness/Injury Leave.

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

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

Certificated employees A certificated employee may use sick leave for absences ~~due~~^{as authorized by law and/or collective bargaining agreement, including, but not limited} to:

1. Accident or illness, whether or not the absence arises out of and in the course of employment; quarantine which results from contact in the course of employment with other persons having a contagious disease; or temporary inability to perform assigned duties because of illness, accident, or quarantine (Education Code 44964)

CSBA NOTE: Pursuant to Government Code 12945.6, as added by SB 848 (Ch. 724, Statutes of 2023), the district is prohibited from refusing to grant a request by an employee to take up to five days of reproductive loss leave following a reproductive loss event. See AR 4161.2/4261.2/4361.2 - Personal Leaves.

Additionally, pursuant to Title IX (20 USC 1681-1688) and implementing regulation 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, the district is required to treat pregnancy, childbirth, termination of pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves.

2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 44965, 44978; Government Code 12945.6)
3. Personal necessity (Education Code 44981)

CSBA NOTE: Optional Item #4 below may be revised to specify a different minimum increment for sick leave.

4. Medical and dental appointments, in increments of not less than one hour
5. Industrial accidents or illnesses when leave granted specifically for that purpose has been exhausted (Education Code 44984)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.21, as amended by AB 1756 (Ch. 478, Statutes of 2023), establishes a small employer family leave mediation pilot program, until January 1, 2025, for very small districts that employ between 5-19 employees to mediate disputes about the employee's right to medical or family care leave under CFRA and/or bereavement leave.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

6. Need of the employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 44977.5; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit an employee to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in Item #7 below, Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041, a "designated person" means any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

7. Need of the employee or employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)
8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

CSBA NOTE: Pursuant to Government Code 12945.7, districts are required to provide up to five days of bereavement leave for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the bereavement leave. The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. For more information on bereavement leave, see AR 4161.2/4261.2/4361.2 - Personal Leaves. Districts with questions about the application of their bereavement leave policies should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves (Education Code 44985; Government Code 12945.7)

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

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

CSBA NOTE: The following paragraph is optional.

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

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

CSBA NOTE: The following optional paragraph two paragraphs are recommended and may be revised to reflect district practice. For more information regarding wage overpayment, see BP 4151/4251/4351 - Employee Compensation.

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

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

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

CSBA NOTE: Pursuant to Education Code 44979-44980, certificated employees are entitled to have their accumulated sick leave transferred with them in the circumstances specified in the following optional paragraph.

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

Additional Leave for Disabled Military Veterans

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

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

CSBA NOTE: Pursuant to Education Code 44978.2, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

Leave for military-service connected disability shall be available for 12 months following the first

date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 44978.2)

Notification of Absence

CSBA NOTE: The following optional section **is recommended and** may be revised to reflect district practice.

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

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 44977, employees who are absent due to illness for up to five months after exhausting all available sick leave must receive their regular salary minus the cost of a substitute. Alternatively, Education Code 44983 allows districts to adopt a rule that gives certificated employees 50 percent or more of their regular salary during the period of absence. When an employee is absent for a cause other than illness, Education Code 44977 and 44983 provide that the amount deducted from the employee's salary shall be determined according to the rules and regulations adopted by the Board as long as such rules are not in conflict with State Board of Education regulations.

Option 1 below is for use by districts that subtract the cost of a substitute from the absent employee's salary pursuant to Education Code 44977. Option 2 is **mandated** pursuant to Education Code 44983 for districts that choose to give certificated employees 50 percent or more of their regular salary during the period of absence, and may be revised to specify a percentage higher than 50 percent in accordance with district practice.

If not covered in the district's bargaining agreement, the district may add provisions to this section reflecting salary deductions for employees absent longer than five months.

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

During each school year, when a certificated employee has exhausted all available sick leave, including all accumulated sick leave, and, due to illness or accident, continues to be absent for an additional period of up to five school months, the district shall deduct from the employee's regular salary for that period the actual cost of a substitute to fill the position. If the district has made every reasonable effort to secure the services of a substitute and has been unable to do so, the amount that would have been paid to a substitute shall be deducted from the employee's salary. (Education Code 44977)

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

OPTION 1 ENDS HERE

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

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

OPTION 2 ENDS HERE

Absence Beyond Five-Month Period/Reemployment List

CSBA NOTE: The following paragraph is required for districts that select Option 1 (i.e., differential pay) in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above and should be carefully considered by districts that select Option 2 (i.e., 50 percent pay). Education Code 44978.1 requires the establishment of a reemployment list for employees who are unable to resume their duties after the five-month period provided pursuant to Education Code 44977.

Although Education Code 44978.1 does not explicitly require a reemployment list for districts selecting Option 2, such districts should be aware that failure to establish a reemployment list may subject employees to termination following a five-month absence. Therefore, any district that selects Option 2 and currently maintains a reemployment list for employees who are absent beyond the five-month period, or that wishes to establish such a list, should consult CSBA's District and County Office of Education Legal Services or district legal counsel before changing its policy or practices.

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

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

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

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 44977.5 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR

4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

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

CSBA NOTE: Pursuant to Education Code 44977.5, the district is required to provide differential pay to a certificated employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. Education Code 44977.5 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 44977.5 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.

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

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

Verification Requirements

CSBA NOTE: Education Code 44978 **mandates** the Board to adopt regulations requiring proof of illness or injury and prescribing the means of verification. However, Education Code 44978 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. For verification requirements for employees on leave pursuant to the Family and Medical Leave Act, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. The following section should be modified to reflect district practice and any procedures which have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5. Because Labor Code 246.5 is silent on requests for verification, and requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification

could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase employees' or their family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

CSBA NOTE: Pursuant to Labor Code 246, as amended by SB 616, districts are required to provide 40 hours or five days of paid sick leave to eligible employees.

2. Provide at least ~~2440~~ hours or ~~three~~ five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
5 CCR 5601	Transfer of accumulated sick leave
Ed. Code 44042.5	<u>Wage overpayment</u>
Ed. Code 44964	Power to grant leaves of absence for accident, illness, or quarantine
Ed. Code 44965	Granting of leaves of absence for pregnancy and childbirth

Ed. Code 44976	Transfer of leave rights when school is transferred to another district
Ed. Code 44977	Salary schedule for substitute employees
Ed. Code 44977.5	Differential pay during parental leave up to 12 weeks after sick leave is exhausted
Ed. Code 44978	Sick leave; certificated employees
Ed. Code 44978.1	Inability to return to duty; placement in another position or on reemployment list
Ed. Code 44978.2	Leave for military service-connected disability
Ed. Code 44979	Transfer of accumulated sick leave to another district
Ed. Code 44980	Transfer of accumulated sick leave to a county office of education
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44983	Compensation during leave; certificated employees
Ed. Code 44984	Required rules for industrial accident and illness leave
<u>Ed. Code 44985</u>	<u>Leave of absence due to death in immediate family; certificated</u>
Ed. Code 44986	Leave of absence; state disability benefits
<u>Ed. Code 45194</u>	<u>Bereavement leave of absence; classified</u>
Gov. Code 12945.1-12945.2 <u>21</u>	California Family Rights Act
Gov. Code 12945.6	Parental <u>Reproductive loss</u> leave
<u>Gov. Code 12945.7</u>	<u>Bereavement leave</u>
Lab. Code 220	Sections inapplicable to public employees
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 230.1	Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 245-249	Healthy Workplaces, Healthy Families Act of 2014
Federal	Description
29 CFR 1635.1-1635.12	Genetic Information Nondiscrimination Act of 2008
29 CFR 825.100-825.702	Family and Medical Leave Act of 1993
<u>34 CFR 106.1-106.82</u>	<u>Discrimination on the basis of sex; effectuating Title IX</u>

20 USC 1681-1688

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Management Resources

Court Decision

Website

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

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Description

Veguez v. Governing Board of Long Beach Unified School
District (2005) 127 Cal.App.4th 406

CSBA District and County Office of Education Legal Services

Cross References

Code

2121

4032

4112.2

4112.2

4112.42

4112.42

4112.9

4112.9-E(1)

4113.4

4113.5

4116

4116

4117.11

4119.41

4121

4121

4141.6

4141.6

4154

4154

4157.1

Description

Superintendent's Contract

Reasonable Accommodation

Certification

Certification

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Employee Notifications

Employee Notifications

Temporary Modified/Light-Duty Assignment

Working Remotely

Probationary/Permanent Status

Probationary/Permanent Status

Preretirement Part-Time Employment

Employees With Infectious Disease

Temporary/Substitute Personnel

Temporary/Substitute Personnel

Concerted Action/Work Stoppage

Concerted Action/Work Stoppage

Health And Welfare Benefits

Health And Welfare Benefits

Work-Related Injuries

4159	Employee Assistance Programs
4161	Leaves
4161	Leaves
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257.1	Work-Related Injuries
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers

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

Regulation 4161.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2023 ~~2023~~ 2024 | Last Reviewed
Date: 06/01/2023 ~~2023~~ 2024

CSBA NOTE: The following mandated administrative regulation is subject to collective bargaining ~~agreements~~ and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

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

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's District and County Office of Education Legal Services or district 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: Pursuant to Government Code 12945.7, as added by AB 1949 (Ch. 767, Statutes of 2022), districts are required to provide up to five days of bereavement leave for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave, but not necessarily the requirement to pay for this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family," the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

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. Additionally, Government Code 12945.2 includes parent-in-law in the definition of "family member" for purposes of bereavement leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

Districts with questions about bereavement leave should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (~~Government Code 12945.7~~)

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; ~~Government Code 12945.7~~)

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 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" includes "parent-in-law" as permitted by law.

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

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

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

Reproductive Loss

CSBA NOTE: Pursuant to Government Code 12945.6, as added by SB 848 (Ch. 724, Statutes of 2023), the district is prohibited from refusing to grant a request by an employee who has worked at least 30 days for the district to take up to five days of reproductive loss leave following a reproductive loss event. The district is not required to grant more than 20 days for multiple reproductive loss events during a 12-month period.

Government Code 12945.6, as added by SB 848, prohibits the district from retaliating or discriminating against an employee for taking reproductive loss leave or giving information or testimony related to such right, or to interfere with, restrain, or deny the exercise or attempted exercise of this right.

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

CSBA NOTE: Pursuant to Government Code 12945.6, as added by SB 848, reproductive loss leave is required to be taken pursuant to any existing applicable leave policy of the district. However, if the district's leave policy does not so specify, the reproductive loss leave will be unpaid, but the employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. Districts that provide paid reproductive loss leave should revise the following paragraph to reflect district practice.

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

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

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective

bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320. Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

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's District and County Office of Education Legal Services or district 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.

Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), ~~CFRA~~ the California Family Rights Act (CFRA) provides an eligible employee with up to 12 weeks of unpaid, job-protected leave to care for a designated person who has a serious health condition, in addition to caring for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)

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 (DIR), employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

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

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

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

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

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

Leave to Perform Legal Duties

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

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission for merit districts, 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 and applies only to certificated employees. 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. The Board may grant the leave with or without pay. Districts that do not grant such leave should delete this paragraph, or revise it to reflect district practice.

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

Leaves for Crime Victims for Judicial Proceedings

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

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

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

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

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

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

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

Leaves for Victims of Crime or Abuse

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes

described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or more employees.

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

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

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution agency) or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf.

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

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

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

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

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on DIR's website, 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 leave for child-related activities 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 **written** 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, 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's District and County Office of Education Legal Services or district 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 UPDATE ServiceCopyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

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	Description
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	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
<u>Gov. Code 12945.6</u>	<u>Reproductive loss leave</u>
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave

Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault, or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
Management Resources	Description
Court Decision	Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Cross References	
Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications

4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security

4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

Policy 4212.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** 05/06/01/20202024 | **Last Reviewed Date:** 05/06/01/20202024

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

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members

Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice

Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications <u>regarding</u> Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&i Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs

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

Management Resources

Website

Description

CSBA District and County Office of Education Legal Services

Cross References

Code

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

2121

3260

3260

3513.3

3513.3

3514

3514

3514.1

Description

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Superintendent's Contract

Fees And Charges

Fees And Charges

Tobacco-Free Schools

Tobacco-Free Schools

Environmental Safety

Environmental Safety

Hazardous Substances

3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel

4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries

4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves

4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Exhibit 4212.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 06/01/20232024 | **Last Reviewed Date:** 126/01/20232024

CSBA NOTE: The following exhibit lists notices ~~which~~that the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

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

I. To All Employees

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

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

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

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

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

When to Notify: Annually

Education or Other Legal Code: Education Code 49069.5, 51225.1

Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175

Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, ~~migrant~~ students who are migratory, and ~~students participating in a newcomer program~~ students.

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available

employee assistance programs

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information

Education or Other Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees

Education or Other Legal Code: Labor Code 230.1

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2

Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees

Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

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

When/Whom to Notify: To employees participating in a flexible spending account

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Education or Other Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable

Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted

Education or Other Legal Code: Labor Code 6409.6

Board Policy/Administrative Regulation #: AR 4157/4257/4357

Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment

Education or Other Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury

Education or Other Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827

Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

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

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

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

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

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

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

II. To Certificated Employees

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

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

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

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

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

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

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

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118
Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated

employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated

Education or Other Legal Code: Education Code 44955.5

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: To teacher, when a student engages in or is reasonably suspected of specified acts

Education or Other Legal Code: Education Code 49079

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion

Education or Other Legal Code: Education Code 48201

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Student has committed specified act that constitutes ground for suspension or expulsion

When/Whom to Notify: To certificated employee upon change in employment status due to alleged misconduct

Education or Other Legal Code: 5 CCR 80303

Board Policy/Administrative Regulation #: AR 4117.7/4317.7

Subject: Contents of state regulation re: report to Commission on Teacher Credentialing

III. To Classified Employees

When/Whom to Notify: When a classified employee is subject to disciplinary action for cause, in a nonmerit district

Education or Other Legal Code: Education Code 45113

Board Policy/Administrative Regulation #: AR 4218

Subject: Notice of charges, right to hearing, timeline for requesting hearing

When/Whom to Notify: By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to

lack of work or lack of funds

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted

Education or Other Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

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

Education or Other Legal Code: 49 CFR 382.113, 382.601

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

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

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

Education or Other Legal Code: 49 CFR 382.303

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

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

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

Education or Other Legal Code: Education Code 35031

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

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

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

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

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

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

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

V. To Individual Employees Under Special Circumstances

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

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

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

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

Education or Other Legal Code: Education Code 44031

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

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

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

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

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

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

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

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

Education or Other Legal Code: Government Code 20997

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

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

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

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

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

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Education or Other Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed

Education or Other Legal Code: Labor Code 230

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Education or Other Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Education or Other Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related

to an employee exposure determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

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

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness

Education or Other Legal Code: Education Code 48851.3, 42 USC 11432

Board Policy/Administrative Regulation #: AR 6173

Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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

Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification

H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications <u>regarding</u> Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans
41 USC 8101-8106	Drug-Free Workplace Act
42 USC 11431-11435	McKinney-Vento Homeless Assistance Act

49 CFR 382.113	Controlled substance and alcohol use and testing notifications
49 CFR 382.303	Post-accident information, procedures, and instructions
49 CFR 382.601	Controlled substance and alcohol use and testing notification
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances
3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment

4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security

4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves

4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions

5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

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

Status: ADOPTED

Original Adopted Date: 07/01/2019 | **Last Revised Date:** 09/06/01/2022 **2024** | **Last Reviewed Date:** 09/06/01/2022 **2024**

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, and serve as positive role models both at school and in the community. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, any applicable collective bargaining agreement, and the rules of the personnel commission.

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's District and County Office of Education Legal Services or the district's district 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.~~

CSBA NOTE: In *Kennedy v. Bremerton School District*, the U.S. Supreme Court held that the district could not discipline an employee for non-coercive religious conduct while the employee was acting as a private citizen. For more information, see the U.S. Department of Education's May 2023, "Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools." Also see BP/AR 4030 - Nondiscrimination in Employment and BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.

In *Visalia Unified School District v. Public Employment Relations Board (PERB)*, the Fifth District Court of Appeal upheld PERB's determination that service as a union officer constitutes protected activity under the Educational Employment Relations Act for purposes of the employee's complaint of retaliation for union activities and that the district retaliated against the employee. However, the court ultimately held in favor of the district, finding that the district proved it would have terminated the employee for poor performance regardless of the protected union activity. Districts with questions about terminating an officer of an employee organization are encouraged to consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent nondiscriminatory manner. In addition, an employee shall not be suspended, disciplined, reassigned, transferred, dismissed, or otherwise retaliated against solely for engaging in protected activities, or for acting to protect a student engaged in exercising any free speech or press right authorized by, or for refusing to infringe upon a student's conduct protected pursuant to, Education Code 48907 or 48950.

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension or leave without pay, reduction of ~~pay step in class,~~ ~~compulsory leave, and~~ wages, or 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~~ certain due process is required before protection prior to any punitive disciplinary action, such as termination, suspension, or demotion, ~~may be taken against such employees~~. These procedural rights include notice of the proposed materials upon which the action is based and the right to respond, either orally or in writing, to the individual recommending that discipline be imposed. These procedural rights are designed to protect an employee against wrongful discipline without necessitating a full evidentiary hearing-

before the Governing Board. Because personnel commission rules may already touch upon these procedures, CSBA recommends that the district consult with CSBA's District and County Office of Education Legal Services or district legal counsel to determine the need for a Skelly meeting prior to a termination 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 and/or~~ expungement 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 41932 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)

CSBA NOTE: Pursuant to Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), if a district, including a district that has adopted the merit system, places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then, upon the conclusion of the proceedings in favor of the employee, the district is required to pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district. "Involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
CA Constitution Article 1, Section 1	Inalienable rights
Civ. Code 1286.2	Grounds for vacating decision of arbitrator
Ed. Code 11500-11506	Programs to encourage parent involvement
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
<u>Ed. Code 45190</u>	<u>Resignation and leaves of absence</u>
Ed. Code 45202	<u>Transfer of accumulated sick leave and other benefits</u>
Ed. Code 45240-45320	<u>Merit system</u>
Ed. Code 45302-45307	<u>Suspension, dismissal, or other disciplinary action; classified employees</u>
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
H&S Code 11054	<u>Schedule I; substances included</u>
H&S Code 11055	<u>Schedule II; substances included</u>
H&S Code 11056	<u>Schedule III; substances included</u>
H&S Code 11357-11361	<u>Marijuana</u>
H&S Code 11363	<u>Peyote</u>
H&S Code 11364	<u>Opium</u>
H&S Code 11370.1	<u>Possession of controlled substances with a firearm</u>
Pen. Code 11165.2-11165.6	<u>Child abuse or neglect; definitions</u>
Pen. Code 1192.7	<u>Plea bargaining limitation</u>
Pen. Code 187	<u>Murder</u>
Pen. Code 667.5	<u>Prior prison terms; enhancement of prison terms</u>
Pen. Code 830.32	<u>School district and community college police</u>
Veh. Code 1808.8	School bus drivers; dismissal for safety-related cause
Federal	Description
42 USC 12101-12213	Americans with Disabilities Act
U.S. Constitution, First Amendment	<u>Amendment 1</u> ; Free exercise, free speech, and establishment clauses

Management Resources

Description

CA School Personnel Comm Association Publication	Merit Rules and Regulations: CSPCA Recommended Personnel Policies and Procedures Manual for California School Merit Systems, 2014
<u>U.S. Department of Education Publication</u>	<u>Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools, May 2023</u> (https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html)
<u>Court Decision</u>	<u>Visalia Unified School District v. Public Employment Relations Board (2024) 98 Cal.App.5th 844</u>
Court Decision	Kennedy v. Bremerton (2022) 142 S.Ct. 2407
Court Decision	California School Employees Association v. Personnel Commission (1970) 3 Cal.3d 139
Court Decision	California School Employees Association v. Bonita Unified School District (2008) No. B200141
Court Decision	California School Employees v. Livingston Union School District (2007) 149 Cal.-App.-4th 391
Court Decision	CSEA v. Foothill Community College District (1975) 52 Cal. App.-3rd 150
Court Decision	Skelly v. California Personnel Board (1975) 15 Cal.3d 194
Website	Office of the Attorney General
Website	Office of Administrative Hearings
Website	Department of General Services, About Teacher Dismissal Case Type
Website	CSBA District and County Office of Education Legal Services
Website	California School Personnel Commissioners Association

Cross References

Code	Description
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
3230	Federal Grant Funds
3230	Federal Grant Funds
4000	Concepts And Roles

4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4119.1	Civil And Legal Rights
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.24	Maintaining Appropriate Adult-Student Interactions
4141	Collective Bargaining Agreement
4200	Classified Personnel
4200	Classified Personnel
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4219.1	Civil And Legal Rights
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.24	Maintaining Appropriate Adult-Student Interactions
4241	Collective Bargaining Agreement
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.1	Civil And Legal Rights

4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.24	Maintaining Appropriate Adult-Student Interactions

Policy 4227: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 05/06/01/2017/2024 | **Last Reviewed Date:** 05/06/01/2017/2024

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

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

CSBA NOTE: When hiring a temporary athletic team coach, Education Code 44919 requires districts to first make the position available to a credentialed teacher presently employed by the district. In *CTA v. Rialto Unified School District*, the California Supreme Court held that the law is intended to grant a current certificated employee a limited advantage in the hiring process over a noncertificated employee or a nonemployee, provided that the applicant applies for the position and meets qualification criteria established by the district.

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

CSBA NOTE: 5 CCR 5596 specifies a code of ethical conduct for athletic coaches; see the accompanying administrative regulation. In addition, the California Interscholastic Federation (CIF) has adopted a set of principles to guide the conduct of coaches and other participants in interscholastic athletic competitions; see BP 6145.2 - Athletic Competition.

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

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

Qualifications and Training

CSBA NOTE: 5 CCR 5593 establishes the minimum qualifications for employees serving as temporary athletic team coaches; see the accompanying administrative regulation.

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

CSBA NOTE: Pursuant to Education Code 49024, any noncertificated employee or volunteer who works with students in a district-sponsored student activity program, such as a scholastic program,

an interscholastic athletic program, or extracurricular activities, is required to obtain an Activity Supervisor Clearance Certificate (ASCC) from the Commission on Teacher Credentialing, unless the district requires the candidate to clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check. See BP/AR 1240 - Volunteer Assistance and AR 4112.5/4212.5/4312.5 - Criminal Record Check. Thus, the Governing Board may (1) choose to require a temporary athletic team coach to obtain the ASCC or a DOJ/FBI criminal background check; (2) permit an individual, at ~~his/her~~ the individual's discretion, to obtain either the ASCC or DOJ/FBI check; or (3) apply different requirements to different positions in the district (e.g., head coaches vs. assistant coaches; employees vs. volunteers). The following paragraph should be modified to reflect district practice.

In addition, Education Code 45125.01 allows multiple districts within a county or within contiguous counties to share criminal record information of noncertificated employees and volunteers working in a student activity program.

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

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

CSBA NOTE: Education Code 49032 requires that all high school coaches complete a district or CIF-developed coaching education program that meets the guidelines of Education Code 35179.1 and , which, as amended by AB 245 (Ch. 422, Statutes of 2023), includes training on in cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes but is not limited to training in recognizing the signs, symptoms, and appropriate response to concussions-, heat illness, and cardiac arrest. Additionally, Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires coaches, beginning July 1, 2017, to complete a training course related to the nature and warning signs of sudden cardiac arrest and to retake such a course every two years thereafter. See For more information regarding training of interscholastic athletic activity coaches, see the accompanying administrative regulation.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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

Description

5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.78	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis
<u>Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act</u>	

Management Resources

California Interscholastic Federation
Publication

California Interscholastic Federation
Publication

Commission on Teacher Credentialing
Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Description

California Interscholastic Federation Constitution and Bylaws
(<https://www.cifstate.org/governance/constitution/index>)

Pursuing Victory with Honor, 1999
(<https://www.cifstate.org/coaches-admin/pvh/index>)

10-11 Information on Assembly Bill 346 Concerning the
Activity Supervisor Clearance Certificate (ASCC), Coded
Correspondence 10-11, July 20, 2010

CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District
(2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District (2011) 192
Cal.App.4th 187

~~Steroids and Students: What Boards Need to Know, Policy~~
~~Brief, July 2005~~ Preventing Catastrophic Heat Illness,
Governance Brief, July 2018 (<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs>)

CSBA Publication

Website

Website

Website

Website

Website

Website

Website

Website

/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc)

Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016 (<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d>)

CSBA District and County Office of Education Legal Services

Positive Coaching Alliance (<https://positivecoach.org/>)

National Athletic Trainers' Association

California Interscholastic Federation

California Athletic Trainers' Association

Commission on Teacher Credentialing

CSBA

California Department of Education

Cross References

Code

1230

1230

1240

1240

4112.4

4112.5

4112.5-E(1)

4118

4118

4121

4121

4212.4

4212.5

4212.5-E(1)

4218

Description

School-Connected Organizations

School-Connected Organizations

Volunteer Assistance

Volunteer Assistance

Health Examinations

Criminal Record Check

Criminal Record Check

Dismissal/Suspension/Disciplinary Action

Dismissal/Suspension/Disciplinary Action

Temporary/Substitute Personnel

Temporary/Substitute Personnel

Health Examinations

Criminal Record Check

Criminal Record Check

Dismissal/Suspension/Disciplinary Action

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

Regulation 4227: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 05/06/01/2017 2024 | **Last Reviewed Date:** 05/06/01/2017 2024

Qualifications

CSBA NOTE: 5 CCR 5593 establishes minimum qualifications for certificated and noncertificated employees assigned as temporary athletic team coaches. Pursuant to 5 CCR 5593, the Superintendent or designee is required to certify to the Governing Board that each newly hired coach meets the requirements of 5 CCR 5593; see the accompanying Board policy.

The district should modify the following section to reflect any additional criteria. Districts may consider developing specific criteria for each ~~coaching~~ interscholastic athletic activity coach position.

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

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of ~~inservice~~ in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached

- d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
 4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

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

CSBA NOTE: The qualifications required by 5 CCR 5593 for employees serving as temporary athletic team coaches do not apply to volunteer coaches. The following optional paragraph is for use by districts that require volunteers who supervise or direct an athletic program to meet those same qualifications. For more information regarding volunteer assistance in schools, see BP/AR 1240 – Volunteer Assistance.

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

Additional Qualifications of Noncertificated Personnel and Volunteers

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

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

CSBA NOTE: Pursuant to Education Code 49024 requires, any noncertificated employee or volunteer who works with students in a district-sponsored student activity program, including

scholastic programs, interscholastic athletic program to programs, and extracurricular activities, must obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or to clear a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties. See the accompanying Board policy.

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

Training

CSBA NOTE: The following paragraph is for use by districts that maintain high schools. Education Code 49032 requires that all high school coaches complete a coaching education program developed by the district or the California Interscholastic Federation (CIF) that meets the guidelines listed in Education Code 35179.1 and includes training on the signs, symptoms, and appropriate response to concussions, as amended by AB 245 (Ch. 422, Statutes of 2023), and includes training in cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. Pursuant to Health and Safety Code 124238.5, as added by AB 1467 (Ch. 24, Statutes of 2023), beginning January 1, 2027, districts are required to provide student athletes with access to an AED during any official practice or match that, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification and complies with any other qualifications pursuant to law.

Pursuant to Education Code 35179.8, as amended by AB 1653 (Ch. 589, Statutes of 2023), CIF, in consultation with the California Department of Education (CDE), is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

Districts that wish to set their own standards for the coaching education program instead of using the standards developed by the CIF should modify the following paragraph accordingly.

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

CSBA NOTE: Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires the coach of an athletic activity, beginning July 1, 2017, to complete, and retake every two years thereafter, a training course related to the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing fainting or seizures during exercise, unexplained shortness of breath, chest pain, dizziness, racing heart rate, or extreme fatigue. Pursuant to Education Code 33479.7, as added by AB 1639, on or after July 1, 2019 a coach who does not complete the required sudden cardiac arrest training is subject to suspension from coaching any athletic activity until the required training is completed.

Online training fulfilling this requirement is available on the CIF's web site. Furthermore website.

Additionally, Education Code 33479.2, as added by AB 1639, requires the California Department of Education CDE to post related information on its website.

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

Code of Ethical Conduct

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

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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

5 CCR 5531

Description

Supervision of extracurricular activities of students

5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.78	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis

Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act

Management Resources

California Interscholastic Federation
Publication

California Interscholastic Federation
Publication

Commission on Teacher Credentialing
Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

CSBA Publication

Description

California Interscholastic Federation Constitution and Bylaws
(<https://www.cifstate.org/governance/constitution/index>)

Pursuing Victory with Honor, 1999
(<https://www.cifstate.org/coaches-admin/pvh/index>)

~~10-11~~ Information on Assembly Bill 346 Concerning the
Activity Supervisor Clearance Certificate (ASCC), Coded
Correspondence 10-11, July 20, 2010

CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District
(2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District (2011) 192
Cal.App.4th 187

Steroids and Students: What Boards Need to Know; Policy
Brief, July 2005 Preventing Catastrophic Heat Illness,
Governance Brief, July 2018 (<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc>)

Concussions in Student Athletes and How To Reduce Risk,
Fact Sheet, January 2016 (<https://www.csba.org/->)

</media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d>

Website	CSBA District and County Office of Education Legal Services
Website	Positive Coaching Alliance (https://positivecoach.org/)
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
5121	Grades/Evaluation Of Student Achievement

5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.63	Steroids
5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

Policy 4261: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 07/06/01/2008 2024 | Last Reviewed
Date: 07/06/01/2008 2024

CSBA NOTE: Employee leave provisions are frequently governed by a collective bargaining agreement or a memorandum of understanding between the Governing Board and employee organizations. The following optional policy is subject to collective bargaining and should be deleted or revised for consistency in accordance with any such district agreements. applicable collective bargaining agreement. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

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

CSBA NOTE: Items #1-10 below reflect categories of leave which are described in more detail in the cited cross-referenced leave policies or administrative regulations. cited below in the Policy Reference section. In addition, Education Code Codes 44963, applicable to certificated staff, and 45198, applicable to classified staff, allow the Governing Board to grant leaves with or without pay to certificated and classified staff for any purpose or period of time, as long as no employee is deprived of any leave to which he/she the employee is legally entitled. Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), clarifies that, as to classified staff, including in a district that has adopted the merit system, the Board's authority to grant leaves of absence and vacations with or without pay includes voluntary leaves of absence. Any additional types of leaves so granted by the Board may be added to the following list.

The Board recognizes the following justifiable reasons for employee absence: Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies

CSBA NOTE: Pursuant to Education Code 44986, the Board may grant to any certificated employee who has applied for disability benefits a leave of absence, not to exceed 30 days beyond final

determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave must be extended for the term of the disability, up to 39 months.

6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities

CSBA NOTE: Pursuant to Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), if a district, including a district that has adopted the merit system, places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then, upon the conclusion of the proceedings in favor of the employee, the district is required to pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district. "Involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension.

10. Compulsory leave

11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

12. Bereavement

Long-Term Leaves

CSBA NOTE: The following optional section should be revised as necessary for consistency with a collective bargaining agreement or a memorandum of understanding between the Board and employee organizations.

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

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

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

Administrative and Supervisory Personnel

CSBA NOTE: Leave provisions for administrative and supervisory personnel who are not subject to collective bargaining agreements may be detailed in an individual contract, memorandum of understanding, or Board policy. The following optional section is for use by districts that, viathrough policy, grant the same leave provisions to administrative and supervisory employees as are granted to other certificated or classified employees.

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

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices, certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act

Gov. Code 12945.7

Gov. Code 20990-21013

Gov. Code 3543.1

Gov. Code 3543.2

Lab. Code 230-230.2

Lab. Code 230.3

Lab. Code 230.4

Lab. Code 230.8

Lab. Code 233

M&V Code 395-395.9

M&V Code 395.10

Federal

29 USC 2601-2654

38 USC 4301-4334

Management Resources

Website

Cross References

Code

2121

4112.1

4112.42

4112.42

4118

4118

4131

4141

4154

4154

Bereavement leave

Pension benefits; PERS members on military leave

Rights of employee organizations

Scope of representation

Leaves for victims of domestic violence, sexual assault or specified felonies

Leave for emergency personnel

Leave for volunteer firefighters

Time off to visit child's school

Leave to attend to family illness

Military leave

Leave when spouse on leave from military deployment

Description

Family Care and Medical Leave Act

Uniformed Services Employment and Reemployment Rights Act of 1994

Description

CSBA District and County Office of Education Legal Services

Description

Superintendent's Contract

Contracts

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Dismissal/Suspension/Disciplinary Action

Dismissal/Suspension/Disciplinary Action

Staff Development

Collective Bargaining Agreement

Health And Welfare Benefits

Health And Welfare Benefits

4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.3	Professional Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.3	Professional Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.1	Contracts

4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4331	Staff Development
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4261: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 07/06/01/2008 2024 | Last Reviewed
Date: 07/06/01/2008 2024

Failure to Return to Service After Leave

CSBA NOTE: Education Code 44842(c) CSBA NOTE: The following optional regulation is subject to collective bargaining and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

Education Code 44842 addresses the return to service of a certificated employee at the beginning of the school year following a leave of absence after April 30 of the previous school year and authorizes termination of the employee if specified circumstances exist. As described in ~~item~~ Item #1 below, one of the circumstances is the employee's failure to report for duty, without good cause, after having notified the Governing Board of ~~his/her~~ the intent to remain in service. See AR 4112.1 - Contracts for provisions of Education Code 44842 pertaining to the duty of all certificated employees to notify the district of their intention to remain in service if the district has issued a written re-employment notice requesting employees to provide such notice.

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

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

~~in any such case, the district may terminate the employee's employment on the day following 20 consecutive days of absence. (Education Code 44842)~~

Use of Leaves by Classified Employees

CSBA NOTE: Education Code 45200 authorizes the Board to allow classified employees to switch from vacation leave to another type of leave as provided below. The following optional section is for use by districts that choose to offer such an option to classified employees and may be used by districts that have adopted the merit system.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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	Description
Ed. Code 22850-22856	Pension benefits; STRS members on military leave
Ed. Code 44018	Compensation for employees on active military duty
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44043.5	Catastrophic leave
Ed. Code 44800	Effect of active military service on status of employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44940	Compulsory leave of absence for certificated persons
Ed. Code 44962-44988	Leave of absence; certificated
Ed. Code 45059	Employee ordered to active military/naval duty; computation of salary
Ed. Code 45190-45210	Leaves of absence; classified
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 12945.1-12945.2	California Family Rights Act
<u>Gov. Code 12945.7</u>	<u>Bereavement leave</u>
Gov. Code 20990-21013	Pension benefits; PERS members on military leave
Gov. Code 3543.1	Rights of employee organizations
Gov. Code 3543.2	Scope of representation
Lab. Code 230-230.2	Leaves for victims of domestic violence, sexual assault or specified felonies
Lab. Code 230.3	Leave for emergency personnel

Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
M&V Code 395-395.9	Military leave
M&V Code 395.10	Leave when spouse on leave from military deployment
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
38 USC 4301-4334	Uniformed Services Employment and Reemployment Rights Act of 1994
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services

Cross References

Code	Description
2121	Superintendent's Contract
4112.1	Contracts
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4131	Staff Development
4141	Collective Bargaining Agreement
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4159	Employee Assistance Programs
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.3	Professional Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program

4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4231	Staff Development
4241	Collective Bargaining Agreement
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.3	Professional Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4331	Staff Development
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave

4361.2

Catastrophic Leave Program

4361.2

Catastrophic Leave Program

Regulation 4261.1: Personal Illness/Injury Leave

Status: ADOPTED

Original Adopted Date: 03/01/2017 | **Last Revised Date:** 06/01/2023 2024 | **Last Reviewed Date:** 06/01/2023 2024

CSBA NOTE: The following administrative regulation applies to classified employees, including classified management. For certificated employees, including certificated management, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

The following administrative regulation is subject to collective bargaining: and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law. Certain portions of this administrative regulation are mandated or conditionally mandated; see "Verification Requirements" and "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" sections below.

Education Code 45191 provides a minimum of 12 days of personal illness or injury leave (sick leave) per year for classified employees working five days a week, in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly. Employees who work less than a full fiscal year, or fewer than five days a week, are entitled to the number of days of sick leave proportionate to the time they work, and to any additional sick leave that may be approved by the Board in the same proportion.

Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act) require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of employment, including classified employees. Pursuant to Labor Code 246, a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that employees accrue at least 24 hours of sick leave or paid time off by the 120th calendar day of employment or each calendar year or 12-month period, and, as amended by SB 616 (Ch. 309, Statutes of 2023), at least 40 hours or five days of accrued sick leave or paid time off by the 200th calendar day of employment, each calendar year, or 12-month period.

The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. However, even for employees covered by a valid collective bargaining agreement, Labor Code 246.5, as amended by SB 616, extends procedural protections regarding retaliation to such employees. Since many districts may not satisfy all of the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district which has a collective bargaining agreement that meets all of the conditions for exemption may modify this administrative regulation accordingly.

For additional requirements of Labor Code 245-249, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

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

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

Use of Sick Leave

CSBA NOTE: Items #1-8 below reflect allowable uses of sick leave specified in law. The district may expand this list to include any additional purposes authorized by law, authorized by the district, or included in a bargaining agreement.

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

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact in the course of employment with other persons having a contagious disease (Education Code 45199)

CSBA NOTE: Although Education Code 45193 does not expressly provide classified employees leave for miscarriage, in order to treat employees consistently, 12945.6, as added by SB 848 (Ch. 724, Statutes of 2023), the Board may district is prohibited from refusing to grant leave to classified employees for miscarriage as provided for certificated employees a request by an employee to take up to five days of reproductive loss leave following a reproductive loss event; see AR 4161.2/4261.2/4361.2 - Personal Leaves.

Additionally, pursuant to Education Code 44965 Title IX (20 USC 1681-1688) and 44978 implementing regulation 34 CFR 106.57, as amended by 89 Fed. Reg. 33474, the district is required to treat pregnancy, childbirth, termination of pregnancy, or lactation, including any related medical condition or recovery, as it would any other temporary medical condition for job-related purposes, including leaves.

2. Pregnancy, miscarriage, childbirth, and related recovery, as well as reproductive loss (Education Code 45193)
; Government Code 12945.6)

2. 3. Personal necessity (Education Code 45207)

CSBA NOTE: Optional Item #4 below may be revised to specify a different minimum increment.

~~3.4~~ Medical and dental appointments, in increments of not less than one hour

~~4.5~~ Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

CSBA NOTE: Pursuant to the Family and Medical Leave Act (FMLA) (29 USC 2612) and California Family Rights Act (CFRA) (Government Code 12945.2), a district is required to grant leave to an eligible employee to bond with a child after the birth, adoption, or foster care placement of the child. For this purpose, employees may, but are not required to, use sick leave for any otherwise unpaid FMLA or CFRA leave.

Government Code 12945.21, as amended by AB 1756 (Ch. 478, Statutes of 2023), establishes a small employer family leave mediation pilot program, until January 1, 2025, for very small districts that employ between 5-19 employees to mediate disputes about the employee's right to medical or family care leave under CFRA and/or bereavement leave.

For further information regarding parental leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

~~5.6~~ Need of an employee to bond with a child within one year of the child's birth, adoption, or foster care placement (parental leave) (Education Code 45196.1; Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

CSBA NOTE: Pursuant to Labor Code 233, any district that provides sick leave to its employees is required to permit an employee to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, for the purposes specified in Items #7-8 below. Pursuant to Labor Code 233, designation of sick leave taken under this provision is at the sole discretion of the employee. Labor Code 233 does not extend the maximum period of leave to which an employee is entitled under CFRA or FMLA, regardless of whether the employee receives sick leave compensation during that leave.

For the purpose of using sick leave to attend to the health care needs of a family member, as specified in Item #7 below, Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), includes a designated person in the definition of a "family member," in addition to an employee's spouse, registered domestic partner, child (biological, adopted, or foster child; stepchild; legal ward; or a child to whom the employee stands in loco parentis), parent (biological, adoptive, or foster parent; stepparent; legal guardian of an employee or the employee's spouse or registered domestic partner; or a person who stood in loco parentis when the employee was a minor child), grandparent, grandchild, or sibling. Government Code 12945.2, as amended by AB 1041, defines a "designated person" as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave, and the district may limit the employee to one designated person per 12-month period for family care and medical leave. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

For additional information about leaves for victims of domestic violence, sexual assault, or stalking granted in accordance with Item #8 below, see AR 4161.2/4261.2/4361.2 - Personal Leaves.

6.7. Need of the employee or the employee's family member, including a designated person, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care (Government Code 12945.2; Labor Code 233, 246.5)

7.8. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee or the employee's child, when the employee has been a victim of domestic violence, sexual assault, or stalking (Labor Code 233, 246.5)

CSBA NOTE: Pursuant to Government Code 12945.7, districts are required to provide up to five days of bereavement leave for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the bereavement leave. The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. For more information on bereavement leave, see AR 4161.2/4261.2/4361.2 - Personal Leaves. Districts with questions about the application of their bereavement leave policies should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

9. Bereavement leave, as specified in Administrative Regulation 4161.2/4261.2/4361.2 - Personal Leaves (Education Code 45194; Government Code 12945.7)

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

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

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

CSBA NOTE: The following paragraph is optional. CSBA NOTE: The following two paragraphs are recommended and may be revised to reflect district practice. For more information regarding wage overpayment, see BP 4151/4251/4351 - Employee Compensation.

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

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

The district shall not require newly employed classified employees to waive leave accumulated in a

previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

CSBA NOTE: Pursuant to Education Code 45202, classified employees who are terminated after at least one year of employment for any reason unrelated to discipline are entitled to have their accumulated sick leave transferred with them in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may be revised to reflect district practice.

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

Additional Leave for Disabled Military Veterans

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

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

CSBA NOTE: Pursuant to Education Code 45191.5, the district may require proof that a leave granted under this law is used for treatment of a military service-connected disability. The following paragraph may be revised to reflect district practice.

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

Leave for military-service connected disability shall be available for 12 months following the first date that the leave was credited. Leave not used during the 12-month period shall not be carried over and shall be forfeited. (Education Code 45191.5)

Notification of Absence

CSBA NOTE: The following optional section **is recommended and** may be revised to reflect district practice.

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

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

CSBA NOTE: Pursuant to Education Code 45196, districts may choose one of two methods for compensating classified employees who have exhausted their paid leaves and continue to be absent due to illness or injury.

Option 1 below is for use by districts that subtract the actual cost of a substitute from the absent employee's salary for up to five months. Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes. In *California School Employees Association v. Tustin Unified School District*, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Option 2 is mandated pursuant to Education Code 45196 for districts that annually credit regular classified employees with at least 100 working days of paid sick leave and, after they have exhausted all fully paid leaves, compensate them at 50 percent or more of their regular salary for the remainder of the 100 working days. Option 2 may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1: (Differential pay: employee's salary minus actual cost of substitute)

When a classified employee has exhausted all paid leaves, including sick leave, and continues to be absent on account of illness or injury for a period of five months or less, the district shall deduct from the employee's regular salary for that period an amount that does not exceed the actual cost of a substitute to fill the position. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run concurrently with any other paid leave.

OPTION 1 ENDS HERE

OPTION 2: (Annual credit of 100 working days of paid sick leave; once fully paid leaves exhausted, 50 percent or more of regular salary for remainder of the 100 days)

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at least 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

OPTION 2 ENDS HERE

Parental Leave

CSBA NOTE: The following section is subject to any conflicting provision in a collective bargaining agreement that provides greater parental leave rights.

During each school year, a classified employee may use all available sick leave, including accumulated sick leave, for the purpose of parental leave for a period of up to 12 work weeks. The 12-week period shall be reduced by any period of sick leave, including accumulated sick leave, taken during a period of such parental leave. (Education Code 45196.1)

CSBA NOTE: Unlike leave taken pursuant to Government Code 12945.2, leave taken pursuant to Education Code 45196.1 does not require an employee to have at least 1,250 hours of service with the district during the previous 12-month period in order to be eligible for parental leave. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave for further information on requirements related to the California Family Rights Act.

Eligibility for such leave shall not require 1,250 hours of service with the district during the previous 12 months. (Education Code 45196.1)

CSBA NOTE: Pursuant to Education Code 45196.1, the district is required to provide differential pay to a classified employee for up to 12 work weeks when the employee has exhausted all available sick leave, including accumulated sick leave, and continues to be absent due to parental leave pursuant to Government Code 12945.2. Such an employee is entitled to receive differential pay, calculated in the same manner described in Option 1 or 2 in the section "Continued Absence After Available Sick Leave Is Exhausted/Differential Pay" above. Education Code 45196.1 requires that, regardless of the type of differential pay system used by the district, employees must receive at least 50 percent of their regular salary for any portion of the 12-week parental leave that remains following the exhaustion of sick leave. The following paragraph may be revised to specify a percentage higher than 50 percent in accordance with district practice.

Since Education Code 45196.1 does not expressly require districts to provide differential pay to employees who are eligible for parental leave pursuant to Government Code 12945.6, it is unclear whether such employees would be entitled to differential pay. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel if they have questions regarding differential pay for such employees.

An employee who has exhausted all available sick leave, including accumulated sick leave, and continues to be absent on account of parental leave shall receive differential pay of at least 50 percent of the employee's regular salary for the remainder of the 12 work weeks. (Education Code 45196.1)

Parental leave taken pursuant to Education Code 45196.1 shall run concurrently with the parental leave taken pursuant to Government Code 12945.2 or 12945.6, and the aggregate amount of parental leave shall not exceed 12 work weeks in a 12-month period. (Education Code 45196.1; Government Code 12945.2, 12945.6)

Extension of Leave

CSBA NOTE: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

If the employee is still unable to return to work after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, the employee shall be offered reemployment in the first vacancy in the classification of the employee's previous assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to seniority. (Education Code 45195)

Verification Requirements

CSBA NOTE: Education Code 45191 **mandates** the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in bargaining agreements.

Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5. Because Labor Code 246.5 is silent on requests for verification, and requires an employer to provide an employee with paid sick days upon oral or written request, districts should be cautious in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (Items #7-8 in the section "Use of Sick Leave" above). Although a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

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

CSBA NOTE: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or family member's individual genetic information except in complying with the medical certification requirements for family care and medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.

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

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

Short-Term and Substitute Employees

CSBA NOTE: Pursuant to Labor Code 245-249, the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of employment. In implementing this requirement, Labor Code 246, as amended by SB 616, permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of employment or each calendar year or 12-month period, and at least 40 hours of paid sick leave by the 200th calendar day of employment, each calendar year, or 12-month period. Option 3 is for any district that credits employees with 2440 hours or three five days of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions.

If a district implements Option 1 or Option 2, Labor Code 246 allows, but does not require, the district to limit employees' use of accrued paid sick days to 40 hours or five days each year of

employment, calendar year, or 12-month period. The district should select the option below which corresponds to its approach under Labor Code 246.

See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional requirements.

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

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of ~~48~~80 hours: or ten days. However, the district may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment. (Labor Code 246)

OPTION 1 ENDS HERE

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

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of their employment or each calendar year or 12-month period-, and at least 40 hours or five days of paid sick leave by the 200th calendar day of employment, each calendar year, or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of ~~48~~80 hours: or ten days. However, the district may limit an employee's use of accrued paid sick days to 40 hours or five days in each year of employment. (Labor Code 246)

OPTION 2 ENDS HERE

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

Except for a retired annuitant who is not reinstated to the retirement system, short-term or substitute employees who work for 30 or more days within a year of their employment shall be credited with ~~24~~40 hours or ~~three~~five days of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

OPTION 3 ENDS HERE

CSBA NOTE: The following paragraph applies to all the above options.

Short-term or substitute employees may begin to use accrued paid sick days on the 90th day of their employment, after which they may use the sick days as they are accrued. (Labor Code 246)

CSBA NOTE: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following

paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, a district is not required to inquire into the purposes for which an employee uses paid leave.

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

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

Healthy Workplaces, Healthy Families Act Requirements

CSBA NOTE: Pursuant to Labor Code 245-249, all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in an enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this law should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

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

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

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The number of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting and/or using sick leave is prohibited by law and that an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against the employee

CSBA NOTE: Pursuant to Labor Code 246, as amended by SB 616, districts are required to provide 40 hours or five days of paid sick leave to eligible employees.

2. Provide at least 2440 hours or ~~three~~five days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request

3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available
4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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

[Ed. Code 44042.5](#)

Ed. Code 45103

Ed. Code 45190

Ed. Code 45191

Ed. Code 45191.5

Ed. Code 45193

Ed. Code 45195

Ed. Code 45196

Ed. Code 45196.1

Ed. Code 45202

Gov. Code 12945.1-12945.2^{[21](#)}

Gov. Code 12945.6

[Gov. Code 12945.7](#)

Lab. Code 230

Lab. Code 230.1

Lab. Code 233

Lab. Code 245-249

Federal

29 CFR 1635.1-1635.12

29 CFR 825.100-825.702

Description

[Wage overpayment](#)

Classified service in districts not incorporating the merit system

Leaves of absence and vacations; classified

Personal illness and injury leave; classified employees

Leave for military service-connected disability

Leave of absence for pregnancy; use of sick leave under certain circumstance

Additional leave

Salary deductions during sick leave; classified employees

Differential pay during parental leave up to 12 weeks after sick leave is exhausted

Transfer of accumulated sick leave and other benefits

California Family Rights Act

~~Parental~~ [Reproductive loss](#) leave

[Bereavement leave](#)

Accommodations and leave for victims of domestic violence

Employers with 25 or more employees; domestic violence, sexual assault, and stalking victims; right to time off

Leave to attend to family illness

Healthy Workplaces, Healthy Families Act of 2014

Description

Genetic Information Nondiscrimination Act of 2008

Family and Medical Leave Act of 1993

[34 CFR 106.1-106.82](#)

[20 USC 1684-1688](#)

29 USC 2601-2654

42 USC 2000ff-2000ff-11

Management Resources

Court Decision

Court Decision

Website

Cross References

Code

[0470](#)

4032

4112.42

4112.42

4112.9

4112.9-E(1)

4113.4

4113.5

4119.41

4141.6

4141.6

4154

4154

4159

4161

4161

4161.11

4161.2

4161.5

[Discrimination on the basis of sex; effectuating Title IX](#)

[Title IX of the Education Amendments of 1972; discrimination based on sex](#)

Family Care and Medical Leave Act

Genetic Information Nondiscrimination Act of 2008

Description

California School Employees Association v. Colton Joint Unified School District (2009) 170 Cal.App.4th 957

California School Employees Association v. Tustin Unified School District (2007) 148 Cal.App.4th 510

CSBA District and County Office of Education Legal Services

Description

[COVID-19 Mitigation Plan](#)

Reasonable Accommodation

Drug And Alcohol Testing For School Bus Drivers

Drug And Alcohol Testing For School Bus Drivers

Employee Notifications

Employee Notifications

Temporary Modified/Light-Duty Assignment

Working Remotely

Employees With Infectious Disease

Concerted Action/Work Stoppage

Concerted Action/Work Stoppage

Health And Welfare Benefits

Health And Welfare Benefits

Employee Assistance Programs

Leaves

Leaves

Industrial Accident/Illness Leave

Personal Leaves

Military Leave

4161.8	Family Care And Medical Leave
4161.9	Catastrophic Leave Program
4161.9	Catastrophic Leave Program
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4213.4	Temporary Modified/Light-Duty Assignment
4213.5	Working Remotely
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.41	Employees With Infectious Disease
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4259	Employee Assistance Programs
4261	Leaves
4261	Leaves
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4261.9	Catastrophic Leave Program
4261.9	Catastrophic Leave Program
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4313.4	Temporary Modified/Light-Duty Assignment
4313.5	Working Remotely

4319.41	Employees With Infectious Disease
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4359	Employee Assistance Programs
4361	Leaves
4361	Leaves
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave
4361.8	Family Care And Medical Leave
4361.9	Catastrophic Leave Program
4361.9	Catastrophic Leave Program

Regulation 4261.2: Personal Leaves

Status: ADOPTED

Original Adopted Date: 11/01/2012 | Last Revised Date: 06/01/2023 ~~2023~~ 2024 | Last Reviewed
Date: 06/01/2023 ~~2023~~ 2024

CSBA NOTE: The following **mandated** administrative regulation is subject to collective bargaining ~~agreements and should be revised in accordance with any applicable collective bargaining agreement. To the extent that this administrative regulation is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.~~

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

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's District and County Office of Education Legal Services or district 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: Pursuant to Government Code 12945.7, as added by AB 1949 (Ch. 767, Statutes of 2022), districts are required to provide up to five days of bereavement leave for the death of an employee's "family member," as defined, if the employee was employed by the district for at least 30 days prior to the commencement of the bereavement leave. Education Code 44985 and 45194 grant three days, or five days if out-of-state travel is required, of paid bereavement leave for certificated and classified employees upon the death of a member of the employee's "immediate family." Government Code 12945.7, as added by AB 1949, potentially expands the length of this leave, but not necessarily the requirement to pay for this leave. Education Code 44985 and 45194 grant bereavement leave for a member of the employee's "immediate family," the definition of which is more expansive than a "family member," pursuant to Government Code 12945.7. Any bereavement leave taken under the Education Code and/or Government Code runs concurrently and not consecutively.

The bereavement leave days do not need to be taken consecutively, but must be taken within three months of the family member's date of death. Districts with existing policies that provide employees less than five days of paid bereavement leave must continue to give employees the number of paid days specified in the policy, but may provide the remainder of the five days as unpaid bereavement leave. Districts must allow employees to use any paid vacation, personal leave, sick leave, or compensatory time off for the balance of the unpaid bereavement leave. Additionally, Government Code 12945.7, as added by AB 1949, makes it unlawful to retaliate or discriminate against an employee for using bereavement leave or to interfere with an employee's right to use bereavement leave.

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. Additionally, Government Code 12945.2 includes parent-in-law in the definition of "family member" for purposes of bereavement leave. Thus, to ensure consistency, the definition of "immediate family" includes "parent-in-law" as permitted by law.

Districts with questions about bereavement leave should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

The following paragraphs may be revised to reflect district practice.

Employees are entitled to a leave of up to five days upon the death of any member of the employee's immediate family, as defined in Education Code 44985 and 45194. (Government Code 12945.7)

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; Government Code 12945.7)

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 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" includes "parent-in-law" as permitted by law.

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

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

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

Reproductive Loss

CSBA NOTE: Pursuant to Government Code 12945.6, as added by SB 848 (Ch. 724, Statutes of 2023), the district is prohibited from refusing to grant a request by an employee who has worked at least 30 days for the district to take up to five days of reproductive loss leave following a reproductive loss event. The district is not required to grant more than 20 days for multiple reproductive loss events during a 12-month period.

Government Code 12945.6, as added by SB 848, prohibits the district from retaliating or discriminating against an employee for taking reproductive loss leave or giving information or testimony related to such right, or to interfere with, restrain, or deny the exercise or attempted exercise of this right.

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

CSBA NOTE: Pursuant to Government Code 12945.6, as added by SB 848, reproductive loss leave is required to be taken pursuant to any existing applicable leave policy of the district. However, if the district's leave policy does not so specify, the reproductive loss leave will be unpaid, but the employee may use vacation, personal leave, accrued and available sick leave, or compensatory time off that is otherwise available to the employee. Districts that provide paid reproductive loss leave should revise the following paragraph to reflect district practice.

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

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

Personal Necessity

CSBA NOTE: Employees may use a maximum of seven days of accumulated personal illness/injury leave (sick leave) for reasons of personal necessity pursuant to Education Code 44981 (certificated employees) and 45207 (classified employees). Pursuant to Education Code 44981 and 45207, a higher maximum may be set for certificated and/or classified employees in the applicable collective

bargaining agreement, or by Board resolution for classified employees who are not covered by a collective bargaining agreement. Districts that have established a maximum that is higher than seven days should modify the following paragraph accordingly.

Education Code 45207 clarifies that provisions pertaining to personal necessity leave also apply to districts that have adopted the merit system for classified employees in accordance with Education Code 45240-45320. Employees may use a maximum of seven days of accrued personal illness/injury leave (sick leave) during each school year for reasons of personal necessity. (Education Code 44981, 45207)

Acceptable reasons for the use of personal necessity leave include:

1. Death of a member of the employee's immediate family when the number of days of absence exceeds the limits set by bereavement leave provisions (Education Code 44981, 45207; Government Code 12945.7)
2. An accident involving the employee or the employee's property, or the person or property of a member of the employee's immediate family (Education Code 44981, 45207)

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's District and County Office of Education Legal Services or district 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.

Pursuant to Government Code 12945.2 and Labor Code 245.5, as amended by AB 1041 (Ch. 748, Statutes of 2022), **CFRA the California Family Rights Act (CFRA)** provides an eligible employee with up to 12 weeks of unpaid, job-protected leave to care for a designated person who has a serious health condition, in addition to caring for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner. A "designated person" is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The employee may identify the designated person at the time the employee requests the leave. The district may limit the employee to taking CFRA leave to care for one designated person per 12-month period. For further information regarding medical leave, see AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave.

3. Illness, preventive care, or other need of a member of the employee's family, as defined in Labor Code 245.5 (Education Code 44981; Government Code 12945.2; Labor Code 246.5)

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 (DIR), employers may not require advance notice when the need for the leave was unforeseeable, as in the case of unanticipated illness or a medical emergency.

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

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

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

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

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

Leave to Perform Legal Duties

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

Pursuant to Education Code 44037, it is unlawful for the district, or personnel commission for merit districts, 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 and applies only to certificated employees. 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. The Board may grant the leave with or without pay. Districts that do not grant such leave should delete this paragraph, or revise it to reflect district practice.

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

Leaves for Crime Victims for Judicial Proceedings

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

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

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

CSBA NOTE: Pursuant to Labor Code 230.2, employees may use any of the types of leave listed in the following paragraph, unless otherwise provided by a collective bargaining agreement, although a collective bargaining agreement cannot diminish the entitlement of an employee.

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

Prior to taking time off, an employee shall give the Superintendent or designee a copy of the notice of each scheduled proceeding that is provided by the responsible agency, unless advance notice is not feasible. When advance notice is not feasible or an unscheduled absence occurs, the employee shall, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim. (Labor Code 230.2)

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

Leaves for Victims of Crime or Abuse

CSBA NOTE: Labor Code 230 and 230.1 allow employees who are victims of domestic violence, sexual assault, stalking, or a crime that caused physical injury or mental injury with a threat of physical injury, and employees whose immediate family member is deceased as the direct result of a crime to use any available vacation, personal leave, or compensatory time off for the purposes

described in Items #1-5 below, and prohibit a district from taking adverse employment action against an employee for taking leave for any of those purposes. Pursuant to Labor Code 230.1, Items #2-5 apply to districts with 25 or more employees.

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

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

CSBA NOTE: Pursuant to Labor Code 230, the following certification may include documentation from a victim advocate (defined as an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, a court, or a law enforcement or prosecution agency) or any other form of documentation that reasonably verifies that the crime or abuse occurred, including, but not limited to, a written statement signed by the employee or by an individual acting on the employee's behalf.

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

1. A police report indicating that the employee was a victim
2. A court order protecting or separating the employee from the perpetrator of the crime or abuse, or other evidence from the court or prosecuting attorney that the employee has appeared in court

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

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

CSBA NOTE: Pursuant to Labor Code 230.1, districts with 25 or more employees are required to notify district employees of employee rights under Labor Code 230 and 230.1. The district may use a form developed by the Labor Commissioner for this purpose, when available on DIR's website, 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 leave for child-related activities 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 **written** 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, 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's District and County Office of Education Legal Services or district 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 UPDATE ServiceCopyright 2024 by **California School Boards Association**, West Sacramento, California 95691

All rights reserved.

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	Description
CA Constitution Article 1, Section 8	Religious discrimination
Ed. Code 44036-44037	Leaves of absence for judicial and official appearances
Ed. Code 44963	Power to grant leaves of absence; certificated
Ed. Code 44981	Leave of absence for personal necessity
Ed. Code 44985	Leave of absence due to death in immediate family; certificated
Ed. Code 44987	Service as officer of employee organization; certificated
Ed. Code 44987.3	Leave of absence to serve on certain boards, commissions, etc.
Ed. Code 45190	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
<u>Gov. Code 12945.6</u>	<u>Reproductive loss leave</u>
Gov. Code 12945.7	Bereavement leave
Gov. Code 3543.1	Rights of employee organizations
Lab. Code 1500-1507	Civil Air Patrol leave

Lab. Code 230.230.2	Leaves for victims of domestic violence, sexual assault, or specified felonies
Lab. Code 230.3	Leave for emergency personnel
Lab. Code 230.4	Leave for volunteer firefighters
Lab. Code 230.8	Time off to visit child's school
Lab. Code 233	Leave to attend to family illness
Lab. Code 234	Absence control policy
Lab. Code 246.5	Paid sick days; purposes for use
M&V Code 395.10	Leave when spouse on leave from military deployment
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
Federal	Description
29 USC 2601-2654	Family Care and Medical Leave Act
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
Management Resources	Description
Court Decision	Rankin v. Commission on Professional Competence (1988) 24 Cal.3d 167
Public Employment Relations Board Decision	Berkeley Council of Classified Employees v. Berkeley Unified School District (2008) PERB Decision No. 1954
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Industrial Relations
Website	California Federation of Teachers
Website	California Public Employment Relations Board
Website	California School Employees Association
Website	California Teachers Association
Cross References	
Code	Description
2121	Superintendent's Contract
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications

4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4140	Bargaining Units
4141.6	Concerted Action/Work Stoppage
4141.6	Concerted Action/Work Stoppage
4143	Negotiations/Consultation
4158	Employee Security
4158	Employee Security
4161	Leaves
4161	Leaves
4161.1	Personal Illness/Injury Leave
4161.8	Family Care And Medical Leave
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4240	Bargaining Units
4241.6	Concerted Action/Work Stoppage
4241.6	Concerted Action/Work Stoppage
4243	Negotiations/Consultation
4258	Employee Security
4258	Employee Security
4261	Leaves
4261	Leaves
4261.1	Personal Illness/Injury Leave
4261.8	Family Care And Medical Leave
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4340	Bargaining Units
4358	Employee Security
4358	Employee Security

4361	Leaves
4361	Leaves
4361.1	Personal Illness/Injury Leave
4361.8	Family Care And Medical Leave
5148	Child Care And Development
5148	Child Care And Development

Policy 4312.9: Employee Notifications

Status: ADOPTED

Original Adopted Date: 06/01/1994 | **Last Revised Date:** 0506/01/20202024 | **Last Reviewed Date:** 0506/01/20202024

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

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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	Description
13 CCR 1234	Reports regarding school buses and bus drivers
13 CCR 2480	Vehicle idling; limitations
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11035-11051	Unlawful sex discrimination; pregnancy, childbirth, and related medical conditions
2 CCR 11087-11098	California Family Rights Act
5 CCR 4622	Uniform complaint procedures
5 CCR 80303	Reports of change in employment status; alleged misconduct
8 CCR 3204	Access to employee exposure and medical records
8 CCR 5191	Chemical hygiene plan
8 CCR 5194	Hazard communication
Civ. Code 1798.29	District records; breach of security
Ed. Code 17612	Notification of pesticide use
Ed. Code 22455.5	STRS information to potential members

Ed. Code 22461	Postretirement compensation limitation
Ed. Code 231.5	Sexual harassment policy
Ed. Code 35031	Term of employment
Ed. Code 35171	Availability of rules and regulations for evaluation of performance
Ed. Code 37616	Consultation regarding year-round schedule
Ed. Code 44663-44664	Evaluation of certificated employees
Ed. Code 44842	Reemployment notices; certificated employees
Ed. Code 44896	Transfer of administrator or supervisor to teaching position
Ed. Code 44916	Written statement of employment status
Ed. Code 44929.21	Notice of reelection decision; districts with 250 ADA or more
Ed. Code 44929.23	Districts with less than 250 ADA
Ed. Code 44934	Notice of disciplinary action for cause
Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice

Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications <u>regarding</u> Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs

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

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
2121	Superintendent's Contract
3260	Fees And Charges
3260	Fees And Charges
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3514	Environmental Safety
3514	Environmental Safety
3514.1	Hazardous Substances

3514.1	Hazardous Substances
3514.2	Integrated Pest Management
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel

4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety
4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries

4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave
4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves

4361.5	Military Leave
4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321 E(2)	Closed Session

Exhibit 4312.9-E(1): Employee Notifications

Status: ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 06/01/2023 2024 | **Last Reviewed**
Date: 12/6/01/2023 2024

CSBA NOTE: The following exhibit lists notices ~~which~~that the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

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

I. To All Employees

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

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

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

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

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

When to Notify: Annually

Education or Other Legal Code: Education Code 49069.5, 51225.1

Board Policy/Administrative Regulation #: AR 6173, AR 6173.1, 6173.3, 6175

Subject: Transfer of coursework and credits for foster youth, students experiencing homelessness, former juvenile court school students, children of military family, ~~migrant~~ students who are migratory, and ~~students participating in a newcomer program~~ students.

When/Whom to Notify: Annually

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer epinephrine auto-injectors

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49414.7

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer stock albuterol inhalers

When/Whom to Notify: At least once per school year

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: 5141.21

Subject: Request for volunteers to be trained to administer anti-seizure medication

When/Whom to Notify: At least once per year

Education or Other Legal Code: Education Code 49414.3

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained to administer opioid antagonist

When to Notify: When a parent/guardian requests for district designation of volunteers is received for training on emergency use of anti-seizure medication for a student diagnosed with seizures

Education or Other Legal Code: Education Code 49468.2

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Request for volunteers to be trained in recognition and response to seizures, including administration of emergency anti-seizure medication, description of training, right to rescind offer to volunteer, prohibition against retaliation.

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 1126

Board Policy/Administrative Regulation #: BP 4136/4236/4336

Subject: Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal

When/Whom to Notify: To all employees

Education or Other Legal Code: Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210

Board Policy/Administrative Regulation #: BP 4020, BP 4159/4259/4359

Subject: District's drug- and alcohol-free workplace; actions that will be taken if violated; available

employee assistance programs

When/Whom to Notify: Upon employment

Education or Other Legal Code: Government Code 21029

Board Policy/Administrative Regulation #: None

Subject: Right to purchase PERS service credit for military service performed prior to public employment

When/Whom to Notify: Upon placement of automated external defibrillator (AED) in school, annually thereafter

Education or Other Legal Code: Health and Safety Code 1797.196

Board Policy/Administrative Regulation #: AR 5141

Subject: Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan

When/Whom to Notify: If the district receives Tobacco-Use Prevention Education funds

Education or Other Legal Code: Health and Safety Code 104420

Board Policy/Administrative Regulation #: AR 3513.3

Subject: District's tobacco-free schools policy and enforcement procedures

When/Whom to Notify: Annually, or more frequently if there is new information

Education or Other Legal Code: Health and Safety Code 120875, 120880

Board Policy/Administrative Regulation #: BP 4119.43/4219.43/4319.43

Subject: AIDS and hepatitis B, methods to prevent exposure

When/Whom to Notify: To new employees upon hire and other employees upon request, in districts with 25 or more employees

Education or Other Legal Code: Labor Code 230.1

Board Policy/Administrative Regulation #: AR 4161.2/4261.2/4361.2

Subject: Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse

When/Whom to Notify: With each paycheck

Education or Other Legal Code: Labor Code 246

Board Policy/Administrative Regulation #: AR 4161.1/4261.1/4361.1

Subject: Amount of sick leave available

When/Whom to Notify: Upon hire, in employee handbook, and upon request for parental leave

Education or Other Legal Code: Labor Code 1034

Board Policy/Administrative Regulation #: BP 4033

Subject: The district's policy on lactation accommodation

When/Whom to Notify: To covered employees and former employees

Education or Other Legal Code: Labor Code 2800.2

Board Policy/Administrative Regulation #: AR 4154/4254/4354

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

When/Whom to Notify: To employees participating in a flexible spending account

Education or Other Legal Code: Labor Code 2810.7

Board Policy/Administrative Regulation #: None

Subject: Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify: To every new employee, either at the time employee is hired or by end of first pay period

Education or Other Legal Code: Labor Code 3551

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify: Within one day of receiving notice of potential exposure to COVID-19, and remain posted for not less than 15 calendar days, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable

Where: Prominently display in all places where notices to employees concerning workplace rules or regulations are customarily posted

Education or Other Legal Code: Labor Code 6409.6

Board Policy/Administrative Regulation #: AR 4157/4257/4357

Subject: Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan

When/Whom to Notify: Prior to beginning employment

Education or Other Legal Code: Penal Code 11165.7, 11166.5

Board Policy/Administrative Regulation #: AR 5141.4

Subject: Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

When/Whom to Notify: Upon employment and when leaving work due to pregnancy or nonoccupational sickness or injury

Education or Other Legal Code: Unemployment Insurance Code 2613

Board Policy/Administrative Regulation #: AR 4154/4254/4354

Subject: Disability insurance rights and benefits

When/Whom to Notify: To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when the superintendent or designee believes the employee needs the information for the protection of self or others when working with the student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Education or Other Legal Code: Welfare and Institutions Code 827

Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

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

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

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

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

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

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

II. To Certificated Employees

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

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

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

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

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

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

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

When/Whom to Notify: To probationary employee, by March 15
Education or Other Legal Code: Education Code 44929.21, 44929.23, 44948.5
Board Policy/Administrative Regulation #: BP 4116
Subject: Whether or not employee is reelected for next school year

When/Whom to Notify: When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year
Education or Other Legal Code: Education Code 44934, 44934.1, 44936

Board Policy/Administrative Regulation #: BP 4118; AR 4118

Subject: Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice

When/Whom to Notify: To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education or Other Legal Code: Education Code 44938

Board Policy/Administrative Regulation #: BP 4118

Subject: Notice of deficiency and opportunity to correct

When/Whom to Notify: To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education or Other Legal Code: Education Code 44940.5

Board Policy/Administrative Regulation #: AR 4118

Subject: Notice of intent to dismiss 30 days from notice unless employee demands hearing

When/Whom to Notify: To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second- year probationary employee

Education or Other Legal Code: Education Code 44948.3

Board Policy/Administrative Regulation #: AR 4118

Subject: Reasons for dismissal and opportunity to appeal

When/Whom to Notify: By March 15 when necessary to reduce certificated personnel, with final notice by May 15

Education or Other Legal Code: Education Code 44949, 44955

Board Policy/Administrative Regulation #: BP 4117.3

Subject: Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination

When/Whom to Notify: Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education or Other Legal Code: Education Code 44954

Board Policy/Administrative Regulation #: BP 4121

Subject: District's decision not to reelect employee for following school year

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated

employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated
Education or Other Legal Code: Education Code 44955.5
Board Policy/Administrative Regulation #: BP 4117.3
Subject: Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board

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

When/Whom to Notify: To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion
Education or Other Legal Code: Education Code 48201
Board Policy/Administrative Regulation #: AR 4158/4258/4358
Subject: Student has committed specified act that constitutes ground for suspension or expulsion

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

III. To Classified Employees

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

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

When/Whom to Notify: During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to

lack of work or lack of funds

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

When/Whom to Notify: At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program

Education or Other Legal Code: Education Code 45117

Board Policy/Administrative Regulation #: AR 4217.3

Subject: Notice of layoff date, displacement and reemployment rights

When/Whom to Notify: Upon employment and upon each change in classification

Education or Other Legal Code: Education Code 45169

Board Policy/Administrative Regulation #: AR 4212

Subject: Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

When/Whom to Notify: To permanent employee whose leave is exhausted

Education or Other Legal Code: Education Code 45192, 45195

Board Policy/Administrative Regulation #: AR 4261.1, AR 4261.11

Subject: Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify: To school bus drivers and school activity bus drivers prior to expiration of specified documents

Education or Other Legal Code: 13 CCR 1234

Board Policy/Administrative Regulation #: AR 3542

Subject: Expiration date of driver's license, driver's certificate and medical certificate; need to renew

When/Whom to Notify: To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter

Education or Other Legal Code: 13 CCR 2480

Board Policy/Administrative Regulation #: AR 3542

Subject: Limitations on vehicle idling; consequences of not complying

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

Education or Other Legal Code: 49 CFR 382.113, 382.601

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

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

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

Education or Other Legal Code: 49 CFR 382.303

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

Subject: Post accident information, procedures, and instruction

IV. To Administrative/Supervisory Personnel

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

Education or Other Legal Code: Education Code 35031

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

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

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

Education or Other Legal Code: Education Code 44896

Board Policy/Administrative Regulation #: AR 4313.2

Subject: Statement of the reasons for the reassignment

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

Education or Other Legal Code: Education Code 44951

Board Policy/Administrative Regulation #: AR 4313.2

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

V. To Individual Employees Under Special Circumstances

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

Education or Other Legal Code: Civil Code 1798.29

Board Policy/Administrative Regulation #: BP 3580

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

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

Education or Other Legal Code: Education Code 44031

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

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

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

Education or Other Legal Code: Education Code 49414

Board Policy/Administrative Regulation #: AR 5141.21

Subject: Defense and indemnification from civil liability by the district

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

Education or Other Legal Code: Government Code 3304

Board Policy/Administrative Regulation #: AR 3515.3

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

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

Education or Other Legal Code: Government Code 20997

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

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

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

Education or Other Legal Code: Government Code 54957

Board Policy/Administrative Regulation #: BB 9321

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

When/Whom to Notify: When taking disciplinary action against employee for disclosure of confidential information

Education or Other Legal Code: Government Code 54963

Board Policy/Administrative Regulation #: BP 4119.23/4219.23/4319.23

Subject: Law prohibiting disclosure of confidential information obtained in closed session

When/Whom to Notify: When document identifying employee who is victim of domestic violence is disclosed

Education or Other Legal Code: Labor Code 230

Board Policy/Administrative Regulation #: AR 4158/4258/4358

Subject: Accommodations and leave for victims of domestic violence

When/Whom to Notify: Within one working day of work-related injury or victimization of crime

Education or Other Legal Code: Labor Code 3553, 5401

Board Policy/Administrative Regulation #: AR 4157.1/4257.1/4357.1

Subject: Potential eligibility for workers' compensation benefits, claim form

When/Whom to Notify: When adverse employment action is based on DOJ criminal history information or subsequent arrest notification

Education or Other Legal Code: Penal Code 11105, 11105.2

Board Policy/Administrative Regulation #: AR 4112.5/4212.5/4312.5

Subject: Copy of DOJ notification

When/Whom to Notify: To any employee with exposure to blood or potentially infectious materials, upon initial employment and at least annually thereafter

Education or Other Legal Code: 8 CCR 3204

Board Policy/Administrative Regulation #: AR 4119.42/4219.42/4319.42

Subject: The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records

When/Whom to Notify: To any employee assigned to a work area in a laboratory setting where hazardous chemicals are present, within 15 working days after receiving a monitoring result related

to an employee exposure determination

Education or Other Legal Code: 8 CCR 5191

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Contents of 8 CCR 5191, including location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify: To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area

Education or Other Legal Code: 8 CCR 5194

Board Policy/Administrative Regulation #: AR 3514.1

Subject: Requirements of 8 CCR 5194, including any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights

When/Whom to Notify: To employee eligible for military leave

Education or Other Legal Code: 38 USC 4334

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

Subject: Notice of rights, benefits, and obligations under military leave

When/Whom to Notify: Within five days of employee's request for family care and medical leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave

Education or Other Legal Code: 29 CFR 825.300; 2 CCR 11049, 11091

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

When/Whom to Notify: Whenever notice of eligibility for FMLA is provided to employee

Education or Other Legal Code: 29 CFR 825.300

Board Policy/Administrative Regulation #: AR 4161.8/4261.8/4361.8

Subject: Rights and responsibilities re. use of FMLA; consequences of failure to meet obligations

When/Whom to Notify: To all employees working with families experiencing homelessness

Education or Other Legal Code: Education Code 48851.3, 42 USC 11432

Board Policy/Administrative Regulation #: AR 6173

Subject: Duties of district liaison for homeless students and availability of training and services

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691

All rights reserved.

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

Ed. Code 44938	Notice of unprofessional conduct and opportunity to correct
Ed. Code 44940.5-44941	Notification of suspension and intent to dismiss
Ed. Code 44948.3-44948.5	Dismissal of probationary employees
Ed. Code 44948.5	Nonreelection procedures; districts under 250 ADA
Ed. Code 44949	Dismissal of probationary employees
Ed. Code 44951	Continuation in position unless notified; administrative or supervisory personnel
Ed. Code 44954	Nonreelection of temporary employees
Ed. Code 44955	Reduction in number of permanent employees
Ed. Code 44955.5	Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 45117	Notice of layoff; classified employees
Ed. Code 45169	Employee salary data; classified employees
Ed. Code 45192	Industrial accident and illness leave for classified employees
Ed. Code 45195	Additional leave
Ed. Code 46162	Alternative schedule for junior high and high school; public hearing with notice
Ed. Code 48201	Transfer student's record for acts that resulted in suspension or expulsion
Ed. Code 48851.3	Education of students in foster care and students who are homeless
Ed. Code 49013	Complaints regarding student fees
Ed. Code 49079	Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion
Ed. Code 49414	Epinephrine auto-injectors
Ed. Code 49414.3	Administration of opioid antagonist
Gov. Code 1126	Incompatible activities of employees
Gov. Code 12950	Sexual harassment
Gov. Code 21029	Retirement credit for period of military service
Gov. Code 54957	Complaints against employees; right to open session

Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 8355	Certification of drug-free workplace, including notification
H&S Code 104420	Tobacco-free schools
H&S Code 120875	Information on AIDS, AIDS-related conditions, and hepatitis B
H&S Code 120880	Notification to employees re AIDS, AIDS-related conditions, and hepatitis B
H&S Code 1797.196	Automated external defibrillators; notification of use and locations
Lab. Code 230	Accommodations and leave for victims of domestic violence
Lab. Code 2800.2	Notification of availability of continuation health coverage
Lab. Code 3550-3553	Notifications <u>regarding</u> Workers' compensation benefits
Lab. Code 5401	Workers' compensation; claim form and notice of potential eligibility
Pen. Code 11165.7	Child Abuse and Neglect Reporting Act; notification requirement
Pen. Code 11166.5	Employment; statement of knowledge of duty to report child abuse or neglect
Unemp. Ins. Code 2613	Disability insurance; notice of rights and benefits
W&I Code 827	Limited exception to juvenile court record
Federal	Description
20 USC 2354	Local application for career and technical education programs
29 CFR 825.300	Family and Medical Leave Act; notice requirement
34 CFR 100	Nondiscrimination under programs receiving federal assistance
34 CFR 104.8	Nondiscrimination
34 CFR 106.9	Severability
34 CFR 84.205-84.210	Drug-free workplace statement
38 USC 4334	Uniformed Services Employment and Reemployment Rights Act; notice requirement
40 CFR 763.84	Asbestos inspections, response actions and post-response actions
40 CFR 763.93	Asbestos management plans

41 USC 8101-8106

42 USC 11431-11435

49 CFR 382.113

49 CFR 382.303

49 CFR 382.601

Management Resources

Website

Drug Free Workplace Act

McKinney-Vento Homeless Assistance Act

Controlled substance and alcohol use and testing notifications

Post-accident information, procedures, and instructions

Controlled substance and alcohol use and testing notification

Description

CSBA District and County Office of Education Legal Services

Cross References

Code

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

2121

3260

3260

3513.3

3513.3

3514

3514

3514.1

3514.1

3514.2

3515.3

3515.3

3542

3580

3580

Description

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Uniform Complaint Procedures

Superintendent's Contract

Fees And Charges

Fees And Charges

Tobacco-Free Schools

Tobacco-Free Schools

Environmental Safety

Environmental Safety

Hazardous Substances

Hazardous Substances

Integrated Pest Management

District Police/Security Department

District Police/Security Department

School Bus Drivers

District Records

District Records

4020	Drug And Alcohol-Free Workplace
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4033	Lactation Accommodation
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.42	Drug And Alcohol Testing For School Bus Drivers
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4115	Evaluation/Supervision
4115	Evaluation/Supervision
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4117.14	Postretirement Employment
4117.3	Personnel Reduction
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4119.43	Universal Precautions
4119.43	Universal Precautions
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4136	Nonschool Employment
4154	Health And Welfare Benefits
4154	Health And Welfare Benefits
4157	Employee Safety
4157	Employee Safety

4157.1	Work-Related Injuries
4158	Employee Security
4158	Employee Security
4161.1	Personal Illness/Injury Leave
4161.11	Industrial Accident/Illness Leave
4161.2	Personal Leaves
4161.5	Military Leave
4161.8	Family Care And Medical Leave
4212	Appointment And Conditions Of Employment
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.42	Drug And Alcohol Testing For School Bus Drivers
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4216	Probationary/Permanent Status
4217.3	Layoff/Rehire
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4219.43	Universal Precautions
4219.43	Universal Precautions
4236	Nonschool Employment
4254	Health And Welfare Benefits
4254	Health And Welfare Benefits
4257	Employee Safety
4257	Employee Safety
4257.1	Work-Related Injuries
4258	Employee Security
4258	Employee Security
4261.1	Personal Illness/Injury Leave

4261.11	Industrial Accident/Illness Leave
4261.2	Personal Leaves
4261.5	Military Leave
4261.8	Family Care And Medical Leave
4312.1	Contracts
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.42	Drug And Alcohol Testing For School Bus Drivers
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4315	Evaluation/Supervision
4317.14	Postretirement Employment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
4319.43	Universal Precautions
4319.43	Universal Precautions
4336	Nonschool Employment
4354	Health And Welfare Benefits
4354	Health And Welfare Benefits
4357	Employee Safety
4357	Employee Safety
4357.1	Work-Related Injuries
4358	Employee Security
4358	Employee Security
4361.1	Personal Illness/Injury Leave
4361.11	Industrial Accident/Illness Leave
4361.2	Personal Leaves
4361.5	Military Leave

4361.8	Family Care And Medical Leave
5141.21	Administering Medication And Monitoring Health Conditions
5141.21	Administering Medication And Monitoring Health Conditions
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6117	Year-Round Schedules
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6178	Career Technical Education
6178	Career Technical Education
9310	Board Policies
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session

Policy 4327: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | Last Revised Date: 0506/01/20172024 | Last Reviewed Date: 0506/01/20172024

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

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

CSBA NOTE: When hiring a temporary athletic team coach, Education Code 44919 requires districts to first make the position available to a credentialed teacher presently employed by the district. In *CTA v. Rialto Unified School District*, the California Supreme Court held that the law is intended to grant a current certificated employee a limited advantage in the hiring process over a noncertificated employee or a nonemployee, provided that the applicant applies for the position and meets qualification criteria established by the district.

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

CSBA NOTE: 5 CCR 5596 specifies a code of ethical conduct for athletic coaches; see the accompanying administrative regulation. In addition, the California Interscholastic Federation (CIF) has adopted a set of principles to guide the conduct of coaches and other participants in interscholastic athletic competitions; see BP 6145.2 - Athletic Competition.

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

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

Qualifications and Training

CSBA NOTE: 5 CCR 5593 establishes the minimum qualifications for employees serving as temporary athletic team coaches; see the accompanying administrative regulation.

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

CSBA NOTE: Pursuant to Education Code 49024, any noncertificated employee or volunteer who works with students in a district-sponsored student activity program, such as a scholastic program,

an interscholastic athletic program, or extracurricular activities, is required to obtain an Activity Supervisor Clearance Certificate (ASCC) from the Commission on Teacher Credentialing, unless the district requires the candidate to clear a Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check. See BP/AR 1240 - Volunteer Assistance and AR 4112.5/4212.5/4312.5 - Criminal Record Check. Thus, the Governing Board may (1) choose to require a temporary athletic team coach to obtain the ASCC or a DOJ/FBI criminal background check; (2) permit an individual, at ~~his/her~~ the individual's discretion, to obtain either the ASCC or DOJ/FBI check; or (3) apply different requirements to different positions in the district (e.g., head coaches vs. assistant coaches; employees vs. volunteers). The following paragraph should be modified to reflect district practice.

In addition, Education Code 45125.01 allows multiple districts within a county or within contiguous counties to share criminal record information of noncertificated employees and volunteers working in a student activity program.

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

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

CSBA NOTE: Education Code 49032 requires that all high school coaches complete a district or CIF-developed coaching education program that meets the guidelines of Education Code 35179.1 and , which, as amended by AB 245 (Ch. 422, Statutes of 2023), includes training on cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes but is not limited to training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. Additionally, Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires coaches, ~~beginning July 1, 2017,~~ to complete a training course related to the nature and warning signs of sudden cardiac arrest and to retake such a course every two years thereafter. See For more information regarding training of interscholastic athletic activity coaches, see the accompanying administrative regulation.

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

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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

Description

5 CCR 5531	Supervision of extracurricular activities of students
5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.78	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis

Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act

Management Resources

California Interscholastic Federation
Publication

California Interscholastic Federation
Publication

Commission on Teacher Credentialing
Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Description

California Interscholastic Federation Constitution and Bylaws
(<https://www.cifstate.org/governance/constitution/index>)

Pursuing Victory with Honor, 1999
(<https://www.cifstate.org/coaches-admin/pvh/index>)

~~10-11~~ Information on Assembly Bill 346 Concerning the
Activity Supervisor Clearance Certificate (ASCC), Coded
Correspondence 10-11, July 20, 2010

CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District
(2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District (2011) 192
Cal.App.4th 187

~~Steroids and Students: What Boards Need to Know~~, Policy
Brief, July 2005 Preventing Catastrophic Heat Illness,
Governance Brief, July 2018 (<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs>)

CSBA Publication

Website

Website

Website

Website

Website

Website

Website

Website

[/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc\)](#)

[Concussions in Student Athletes and How To Reduce Risk, Fact Sheet, January 2016 \(https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d\)](#)

CSBA District and County Office of Education Legal Services

[Positive Coaching Alliance \(https://positivecoach.org/\)](#)

National Athletic Trainers' Association

California Interscholastic Federation

California Athletic Trainers' Association

Commission on Teacher Credentialing

CSBA

California Department of Education

Cross References

Code

1230

1230

1240

1240

4112.4

4112.5

4112.5-E(1)

4118

4118

4121

4121

4212.4

4212.5

4212.5-E(1)

4218

Description

School-Connected Organizations

School-Connected Organizations

Volunteer Assistance

Volunteer Assistance

Health Examinations

Criminal Record Check

Criminal Record Check

Dismissal/Suspension/Disciplinary Action

Dismissal/Suspension/Disciplinary Action

Temporary/Substitute Personnel

Temporary/Substitute Personnel

Health Examinations

Criminal Record Check

Criminal Record Check

Dismissal/Suspension/Disciplinary Action

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

Regulation 4327: Temporary Athletic Team Coaches

Status: ADOPTED

Original Adopted Date: 03/01/2010 | **Last Revised Date:** 05/06/01/2017~~2024~~ | **Last Reviewed Date:** 05/06/01/2017~~2024~~

Qualifications

CSBA NOTE: 5 CCR 5593 establishes minimum qualifications for certificated and noncertificated employees assigned as temporary athletic team coaches. Pursuant to 5 CCR 5593, the Superintendent or designee is required to certify to the Governing Board that each newly hired coach meets the requirements of 5 CCR 5593; see the accompanying Board policy.

The district should modify the following section to reflect any additional criteria. Districts may consider developing specific criteria for each ~~coaching~~interscholastic athletic activity coach position.

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

1. Care and prevention of athletic injuries, basic sports injury first aid, and emergency procedures, as evidenced by one or more of the following:
 - a. Completion of a college-level course in the care and prevention of athletic injuries and possession of a valid cardiopulmonary resuscitation (CPR) card
 - b. A valid sports injury certificate or first aid card, and a valid CPR card
 - c. A valid Emergency Medical Technician (EMT) I or II card
 - d. A valid trainer's certification issued by the National or California Athletic Trainers' Association (NATA/CATA)
 - e. Possession of both valid CPR and first aid cards and practical experience under the supervision of an athletic coach or trainer or experience assisting in team athletic training and conditioning
2. Coaching theory and techniques in the sport or game being coached, as evidenced by one or more of the following:
 - a. Completion of a college course in coaching theory and techniques
 - b. Completion of ~~inservice~~in-service programs arranged by a school district or county office of education
 - c. Prior service as a student coach or assistant athletic coach in the sport or game being coached

- d. Prior coaching in community youth athletic programs in the sport being coached
 - e. Prior participation in organized competitive athletics at the high school level or above in the sport being coached
3. Knowledge of the rules and regulations pertaining to the sport or game being coached, the league rules, and, at the high school level, regulations of the California Interscholastic Federation (CIF)
 4. Knowledge of child or adolescent psychology, as appropriate, as it relates to sport participation, as evidenced by one or more of the following:
 - a. Completion of a college-level course in child psychology for elementary school positions and adolescent or sports psychology for secondary school positions
 - b. Completion of a seminar or workshop on human growth and development of youth
 - c. Prior active involvement with youth in school or community sports program

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

CSBA NOTE: The qualifications required by 5 CCR 5593 for employees serving as temporary athletic team coaches do not apply to volunteer coaches. The following optional paragraph is for use by districts that require volunteers who supervise or direct an athletic program to meet those same qualifications. For more information regarding volunteer assistance in schools, see BP/AR 1240 – Volunteer Assistance.

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

Additional Qualifications of Noncertificated Personnel and Volunteers

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

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

CSBA NOTE: Pursuant to Education Code 49024 requires, any noncertificated employee or volunteer who works with students in a district sponsored student activity program, including

scholastic programs, interscholastic athletic program to programs, and extracurricular activities, must obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or to clear a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties. See the accompanying Board policy.

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

Training

CSBA NOTE: The following paragraph is for use by districts that maintain high schools. Education Code 49032 requires that all high school coaches complete a coaching education program developed by the district or the California Interscholastic Federation (CIF) that meets the guidelines listed in Education Code 35179.1 and includes training on the signs, symptoms, and appropriate response to concussions, as amended by AB 245 (Ch. 422, Statutes of 2023), and includes training in cardiopulmonary resuscitation, use of an automated external defibrillator (AED), and first aid that includes, but is not limited to, training in recognizing the signs, symptoms, and appropriate response to concussions, heat illness, and cardiac arrest. Pursuant to Health and Safety Code 124238.5, as added by AB 1467 (Ch. 24, Statutes of 2023), beginning January 1, 2027, districts are required to provide student athletes with access to an AED during any official practice or match that, when medical circumstances warrant its use, is administered by a medical professional, coach, or other designated person who holds AED certification and complies with any other qualifications pursuant to law.

Pursuant to Education Code 35179.8, as amended by AB 1653 (Ch. 589, Statutes of 2023), CIF, in consultation with the California Department of Education (CDE), is required to develop guidelines, procedures, and safety standards for the prevention and management of exertional heat illness.

Districts that wish to set their own standards for the coaching education program instead of using the standards developed by the CIF should modify the following paragraph accordingly.

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

CSBA NOTE: Education Code 33479.6, as added by AB 1639 (Ch. 792, Statutes of 2016), requires the coach of an athletic activity, beginning July 1, 2017, to complete, and retake every two years thereafter, a training course related to the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing fainting or seizures during exercise, unexplained shortness of breath, chest pain, dizziness, racing heart rate, or extreme fatigue. Pursuant to Education Code 33479.7, as added by AB 1639, on or after July 1, 2019 a coach who does not complete the required sudden cardiac arrest training is subject to suspension from coaching any athletic activity until the required training is completed.

Online training fulfilling this requirement is available on the CIF's web site. Furthermore website.

Additionally, Education Code 33479.2, as added by AB 1639, requires the California Department of Education CDE to post related information on its web site website.

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

Code of Ethical Conduct

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

1. Show respect for players, officials, and other coaches
2. Respect the integrity and judgment of game officials
3. Establish and model fair play, sportsmanship, and proper conduct
4. Establish player safety and welfare as the highest priority
5. Provide proper supervision of students at all times
6. Use discretion when providing constructive criticism and when reprimanding players
7. Maintain consistency in requiring all players to adhere to the established rules and standards of the game
8. Properly instruct players in the safe use of equipment
9. Avoid exerting undue influence on a student's decision to enroll in an athletic program at any public or private postsecondary educational institution
10. Avoid exerting undue influence on students to take lighter academic course(s) in order to be eligible to participate in athletics
11. Avoid suggesting, providing, or encouraging any athlete to use nonprescription drugs, anabolic steroids, or any substance to increase physical development or performance that is not approved by the U.S. Food and Drug Administration, U.S. Surgeon General, or the American Medical Association
12. Avoid recruitment of athletes from other schools
13. Follow the rules of behavior and the procedures for crowd control as established by the district and the league in which the district participates

Policy Reference UPDATE Service

Copyright 2024 by California School Boards Association, West Sacramento, California 95691
All rights reserved.

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

5 CCR 5531

Description

Supervision of extracurricular activities of students

5 CCR 5590-5596	Duties of temporary athletic team coaches
Ed. Code 33479-33479.9	The Eric Parades Sudden Cardiac Arrest Prevention Act
Ed. Code 35179-35179.78	Interscholastic athletics
Ed. Code 44010	Sex offense; definitions
Ed. Code 44011	Controlled substance offense
Ed. Code 44332-44332.5	Temporary certificates
Ed. Code 44424	Conviction of a crime
Ed. Code 44808	Liability when students are not on school property
Ed. Code 44916	Written statement of employment status
Ed. Code 44919	Classification of temporary employees; classifications
Ed. Code 45125.01	Interagency agreements for criminal record information
Ed. Code 45347	Instructional aides subject to requirements for classified staff
Ed. Code 45349	Use of volunteers to supervise or instruct students
Ed. Code 49024	Activity Supervisor Clearance Certificate
Ed. Code 49030-49034	Performance enhancing substances
Ed. Code 49406	Examination for tuberculosis

Health & Safety Code 124238-124238.5 Nevaeh Youth Sports Safety Act

Management Resources

California Interscholastic Federation
Publication

California Interscholastic Federation
Publication

Commission on Teacher Credentialing
Publication

Court Decision

Court Decision

Court Decision

CSBA Publication

Description

California Interscholastic Federation Constitution and Bylaws
(<https://www.cifstate.org/governance/constitution/index>)

Pursuing Victory with Honor, 1999
(<https://www.cifstate.org/coaches-admin/pvh/index>)

40-11 Information on Assembly Bill 346 Concerning the
Activity Supervisor Clearance Certificate (ASCC), **Coded
Correspondence 10 11**, July 20, 2010

CTA v. Rialto Unified School District (1997) 14 Cal. 4th 627

Kavanaugh v. West Sonoma Union High School District
(2003) 29 Cal.4th 911

Neily v. Manhattan Beach Unified School District (2011) 192
Cal.App.4th 187

**Steroids and Students: What Boards Need to Know, Policy
Brief, July 2005** **Preventing Catastrophic Heat Illness,
Governance Brief, July 2018** (<https://www.csba.org/-/media/CSBA/Files/GovernanceResources/GovernanceBriefs/201807PreventingCatastrophicHeatIllness.ashx?la=en&rev=7436c3554336486db014b55033426ebc>)

CSBA Publication

**Concussions in Student Athletes and How To Reduce Risk,
Fact Sheet, January 2016** (<https://www.csba.org/>-

</media/CSBA/Files/GovernanceResources/GovernanceBriefs/201601ConcussionsInStudentAthletes.ashx?la=en&rev=5426e7214aa540819e2534a64c1ec82d>

Website	CSBA District and County Office of Education Legal Services
Website	Positive Coaching Alliance (https://positivecoach.org/)
Website	National Athletic Trainers' Association
Website	California Interscholastic Federation
Website	California Athletic Trainers' Association
Website	Commission on Teacher Credentialing
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
1230	School-Connected Organizations
1230	School-Connected Organizations
1240	Volunteer Assistance
1240	Volunteer Assistance
4112.4	Health Examinations
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4121	Temporary/Substitute Personnel
4121	Temporary/Substitute Personnel
4212.4	Health Examinations
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4312.4	Health Examinations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
5121	Grades/Evaluation Of Student Achievement

5121	Grades/Evaluation Of Student Achievement
5131.1	Bus Conduct
5131.1	Bus Conduct
5131.63	Steroids
5131.63	Steroids
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
6142.7	Physical Education And Activity
6142.7	Physical Education And Activity
6145	Extracurricular And Cocurricular Activities
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition

Policy 4361: Leaves

Status: ADOPTED

Original Adopted Date: 12/01/1988 | Last Revised Date: 07/06/01/20082024 | Last Reviewed
Date: 07/06/01/20082024

CSBA NOTE: Employee leave provisions are frequently governed by a collective bargaining agreement or a memorandum of understanding between the Governing Board and employee organizations. The following optional policy is subject to collective bargaining and should be deleted or revised for consistency in accordance with any such district agreements: applicable collective bargaining agreement. To the extent that this policy is inconsistent with provisions of the collective bargaining agreement, the collective bargaining agreement would prevail, so long as the provision is consistent with law.

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

CSBA NOTE: Items #1-10 below reflect categories of leave which are described in more detail in the cited cross-referenced leave policies or administrative regulations: cited below in the Policy Reference section. In addition, Education Code Codes 44963, applicable to certificated staff, and 45198, applicable to classified staff, allow the Governing Board to grant leaves with or without pay to certificated and classified staff for any purpose or period of time, as long as no employee is deprived of any leave to which he/she the employee is legally entitled. Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), clarifies that, as to classified staff, including in a district that has adopted the merit system, the Board's authority to grant leaves of absence and vacations with or without pay includes voluntary leaves of absence. Any additional types of leaves so granted by the Board may be added to the following list.

~~The Board recognizes the following justifiable reasons for employee absence:~~ Employees have the right to take leaves as authorized by law and/or collective bargaining agreements, including, but not limited to:

1. Personal illness or injury
2. Industrial accident or illness
3. Family care and medical leave
4. Military service
5. Personal necessity and personal emergencies

CSBA NOTE: Pursuant to Education Code 44986, the Board may grant to any certificated employee who has applied for disability benefits a leave of absence, not to exceed 30 days beyond final

determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave must be extended for the term of the disability, up to 39 months.

6. Disability leave for certificated employees in accordance with Education Code 44986
7. Vacations for classified staff and certificated management staff, as applicable
8. Sabbaticals for purposes of study or training related to the employee's job duties
9. Attendance at work-related meetings and staff development opportunities

CSBA NOTE: Pursuant to Education Code 45190, as amended by AB 472 (Ch. 331, Statutes of 2023), if a district, including a district that has adopted the merit system, places an employee on an involuntary leave of absence during the period the employee is charged with a criminal offense, is under a criminal investigation, or is waiting due to administrative delay for necessary job-related administrative determinations, then, upon the conclusion of the proceedings in favor of the employee, the district is required to pay to the employee the employee's full compensation for the period of the involuntary leave of absence upon the employee's return to service in the district. "Involuntary leave of absence" includes, but is not limited to, a compulsory leave of absence or a suspension.

10. Compulsory leave

11. Maternity, parental leave, and reproductive loss leave for both certificated and classified staff, as applicable under state law

12. Bereavement

Long-Term Leaves

CSBA NOTE: The following optional section should be revised as necessary for consistency with a collective bargaining agreement or a memorandum of understanding between the Board and employee organizations.

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

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

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

Administrative and Supervisory Personnel